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BULLETIN No. 33.

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U. S. DEPARTMENT OF AGRICULTURE.

DIVISION OF ENTOMOLOGY.

LEGISLATION AGAINST INJURIOUS INSECTS;

A COMPILATION OF THE LAWS AND REGULATIONS IN THE UNITED STATES AND BRITISH COLUMBIA.

BY

L. O. HOWARD,
ENTOMOLOGIST.

PUBLISHED UNDER THE AUTHORITY OF THE SECRETARY OF AGRICULTURE.

WASHINGTON:
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LETTER OF SUBMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
DIVISION OF ENTOMOLOGY,
Washington, D. C., January 15, 1895.

SIR: I have the honor to submit for publication Bulletin No. 33 of this division. It comprises the comparatively recent legislation in several States against injurious insects. These laws have been brought together for the information of agricultural and horticultural societies which may be considering the desirability of such legislation in their respective States.

Respectfully,

L. O. HOWARD,
Entomologist.

Hon. CHAS. W. DABNEY, JR.,
Acting Secretary of Agriculture.

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PREFACE.

The necessity for the passage of laws enforcing insecticide work and providing for the inspection and quarantine of trees, shrubs, fruits, and other objects upon which injurious insects may be introduced from abroad, is no greater at the present time than it has been for many years, but the attention of agriculturists and horticulturists is now being directed toward this necessity in a very marked degree. State bodies of horticulturists have discussed the question at recent meetings, and there is evidence of a strong demand for such a compilation as this bulletin aims to be. The publication in this form of all the regulations which have been enacted or proposed will form an easy source of information for those persons who may be engaged in the drafting of other regulations having the same object in view. They need to be able to ascertain readily what has been done by other States. It would be desirable, if possible, to include in this bulletin the insect legislation of New Zealand, the Australian colonies, and the Cape Colony, as well as to give important points relative to the laws which have been enforced in the cases of locust invasion in Russia, in Cyprus, in India, in Algeria, in South Africa, and in the Argentine Republic. Copies of these laws, however, are not at hand, and while an attempt has been made to secure them, it has been thought best to put the American laws in print at once, for possible immediate use.

State regulations regarding the Rocky Mountain locust or Western grasshopper, while adopted for the specific purpose of fighting a particular insect at a particular time, are nevertheless added, as suggesting good legislation which may be adopted in any future emergency. While we have no anticipation of another locust outbreak in the near future, local damage to a serious amount is liable to be brought about almost any year; witness the settling of a swarm of the Rocky Mountain locust in Ottertail County, Minn., in 1891, and the great damage done during the summer of 1894 in Roanoke County, Va., by the American locust, an account of which is given in Insect Life, Vol. VII, No. 3.

Although hardly coming within the scope of the title of the bulletin, two sample laws against the disease of the hive bee known as "foul brood" are introduced.

L. O. H.

LEGISLATION AGAINST INJURIOUS INSECTS.

CALIFORNIA.

CHAPTER LXXV.

An act to protect and promote the horticultural interests of the State.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever a petition is presented to the board of supervisors of any county, and signed by five or more persons who are resident freeholders and possessors of an orchard, or both, stating that certain or all orchards, or nurseries, or trees of any variety, are infected with scale bug, codlin moth, or other insects that are destructive to trees, and praying that a commission be appointed by them whose duty it shall be to supervise their destruction, as hereinafter provided, the board of supervisors shall, within twenty days thereafter, select three commissioners for the county, to be known as the county board of horticultural commissioners. The board of supervisors may fill any vacancy that may occur in said commission, by death, resignation, or otherwise, and appoint one commissioner each year, one month or thereabouts previous to the expiration of the term of office of any member of said commission. The said commissioners shall serve for a period of three years from the date of their appointment, except the commissioners first appointed, one of whom shall serve for one year, one of whom shall serve for two years, and one of whom shall serve for three years from the date of appointment. The commissioners first appointed shall themselves decide, by lot or otherwise, who shall serve one year, who two years, and who three years, and shall notify the board of supervisors of the result of their choice.

SEC. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever they shall be informed by complaint of any person residing in such county, that an orchard, or nursery, or trees, or any fruit-packing house, storeroom, sale room, or any other place in their jurisdiction, is infested with scale bug, codlin moth, red spider, or other noxious insect liable to spread contagion dangerous to the trees or fruit of complainant, or their eggs or larvæ, injurious to the fruit or fruit trees, they shall cause an inspection to be made of the said premises, and, if found infected, they shall notify the owner or owners, or the person or persons in charge or possession of the said trees, or places, as aforesaid, that the same are infected with said insects, or any of them, or their eggs or larvæ, and shall require such person or persons to disinfect the same within a certain time to be specified. If, within such specified time, such disinfection has not been accomplished, the said person or persons shall be required to make application of such treatment for the purpose of destroying them as said commissioners shall prescribe. Said notices may be served upon the person or persons owning or having charge or possession of such infested trees, or places, or articles, as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served the same way as a summons in a civil action. If the owner or owners, or the person or persons in charge or possession of any orchard, or nursery, or trees, or places, or articles infested with said insects, or any of them, or their larvæ or eggs after having been notified as above to make application of treatment as directed, shall

fail, neglect, or refuse so to do, he or they shall be deemed guilty of maintaining a public nuisance, and any such orchards, nurseries, trees, or places, or articles thus infested shall be adjudged, and the same is hereby declared, a public nuisance, and may be proceeded against as such. If found guilty, the court shall direct the aforesaid county board of horticultural commissioners to abate the nuisance. The expenses thus incurred shall be a lien upon the real property of the defendant.

SEC. 3. Said county board of horticultural commissioners shall have power to divide the county into districts, and to appoint a local inspector for each of said districts. The duties of such local inspectors shall be prescribed by said county board.

SEC. 4. It shall be the duty of the county board of commissioners to keep a record of their official doings and to make a report to the board of state viticultural commissioners on or before the first day of November of each year, who shall incorporate the same in their annual reports.

SEC. 5. It shall be the duty of the commissioners at large, appointed by the board of state viticultural commissioners for such purpose, to recommend, consult, and act with the county boards of commissioners, in their respective counties, as to the most efficacious treatment to be adopted for the extermination of the aforesaid insects, or larvæ or eggs thereof, and to attend to such other duties as may be necessary to accomplish or carry out the full intent and meaning of this act.

SEC. 6. Each county commissioner and local inspector may be paid five dollars for each day actually engaged in the performance of his duties under this act, payable out of the county treasury of his county; provided that no more shall be paid for such services than shall be determined by resolution of the board of supervisors of the county for services actually and necessarily rendered.

SEC. 7. Each of said commissioners may select one or more persons, without pay, to assist him in the discharge of his duties, as he may deem necessary.

SEC. 8. If any county board of commissioners, after having received complaint in writing, as provided for in section two of this act, shall fail to perform the duties of their office, as required by this act, they may be removed from office by the board of supervisors, and the vacancy thus formed shall be filled in the same manner as provided for in this act.

SEC. 9. Nothing in this act shall be construed so as to affect vineyards or their products.

SEC. 10. This act shall take effect immediately.

Approved March 14, 1881.

CHAPTER LXIII.

An act to create and establish a state board of horticulture, and appropriate money for the expenses thereof.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be a State board of horticulture, consisting of nine members, who shall be appointed by the governor, two from the State at large and one from each of the seven horticultural districts, which are hereby constituted as follows:

(1) The Sonoma district, which shall include the counties of Sonoma, Marin, Lake, Mendocino, Humboldt, Del Norte, Trinity, and Siskiyou; (2) The Napa district, which shall include the counties of Napa, Solano, and Contra Costa; (3) The San Francisco district, which shall include the city and county of San Francisco, and the counties of San Mateo, Alameda, Santa Clara, Santa Cruz, San Benito, and Monterey; (4) The Los Angeles district, which shall include the counties of Los Angeles, Ventura, Santa Barbara, San Luis Obispo, San Bernardino, and San Diego; (5) The Sacramento district, which shall include the counties of Sacramento, Yolo, Sutter, Colusa, Butte, Tehama, and Shasta; (6) The San Joaquin district, which shall include the counties of San Joaquin, Stanislaus, Merced, Fresno, Tulare, and Kern; (7) The El Dorado district, which shall include the counties of El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Placer, Nevada, Yuba, Sierra, Plumas, Lassen, Modoc, Alpine, Mono, and Inyo.

SEC. 2. The members appointed from each district shall be residents of the district from which they are appointed, and shall be specially qualified by practical experience and study in connection with the industries dependent upon horticulture. They shall each hold office for the term of four years, except that of the nine first appointed four, to be determined by lot, shall retire at the end of two years, when their successors shall be appointed by the governor.

SEC. 3. The board shall appoint and prescribe the duties of a secretary who shall not be one of their number, and elect of their own number a treasurer, both to hold office during the pleasure of the said board. The treasurer shall give a bond to the State, with sureties approved by the said board in the sum of ten thousand dollars for the faithful discharge of his duties.

SEC. 4. The board may receive, manage, use, and hold donations and bequests for promoting the objects of its formation. It shall meet semiannually, and as much oftener and at such places as it may deem expedient to consult and adopt such measures as may best promote the horticultural industries of the State. It may, but without expense to the State, select and appoint competent and qualified persons to lecture in each of the horticultural districts named in section 1 of this act, for the purpose of illustrating practical horticultural topics, and imparting instruction in the methods of culture, pruning, fertilizing, and also in the best methods of treating the diseases of fruit and fruit trees, cleansing orchards, and exterminating insect pests. The office of the board shall be kept open to the public, subject to the rules of the board, every day, excepting legal holidays, and shall be in charge of the secretary during the absence of the board.

SEC. 5. For the purpose of preventing the spread of contagious disease among fruit and fruit trees, and for the prevention, treatment, cure, and extirpation of fruit pests and the diseases of fruit and fruit trees, and for the disinfection of grafts, scions, orchard débris, empty fruit boxes and packages, and other suspected material or transportable articles, dangerous to orchards, fruit, and fruit trees, said board shall make regulations for the inspection and disinfection thereof, which said regulations shall be circulated in printed form by the board among the fruit growers and fruit dealers of the State, shall be published at least twenty days in two daily newspapers of general circulation in the State not of the same city or county, and shall be posted in three conspicuous places in each county in the State, one of which shall be at the county court-house thereof. Such regulations when so posted shall be held to impart notice of their contents to all persons within this State, and shall be binding upon all persons.

SEC. 6. The said board shall elect of their own number, or appoint from without their number, a competent person, especially qualified by practical experience in horticulture, for the duties of his office, who shall be known as inspector of fruit pests (to hold office at the pleasure of the board), whose duty it shall be to visit the horticultural districts of the State, to see that all regulations of said board and provisions of law to prevent the spread of fruit pests and diseases of trees and plants injurious to the horticultural interests of the State, and all regulations of said board in the nature of quarantining infected or infested districts, and also all rules and regulations of said board concerning disinfection of fruits, trees, plants, grafts, scions, orchard débris, empty fruit boxes and packages, and other material dangerous to orchards, fruit, and fruit trees are enforced. He shall, also, whenever required, and under the direction of the board, and may also, upon his own motion and upon the complaint of interested parties, inspect orchards, nurseries, and other places suspected, or believed to be infested with fruit pests, or infected with contagious disease injurious to trees, plants, or fruits, and he shall report the facts to said board. If, upon report of said inspector, or from well attested facts otherwise before it, said board shall be of the opinion that any locality, orchard, district, or place is infested with fruit pests, or infected with contagious disease injurious to trees, plants, or fruits, and liable to spread to other localities to the injury of other persons or places, said board shall, by an order entered upon its minutes, so declare,

said and such infested or infected district or place shall be under the quarantine regulations of said board. As soon, however, as in the opinion of said inspector the danger from such locality has ceased, he may suspend said quarantine regulations, and shall immediately report the fact to the board, who may approve or disapprove his action. He shall, from time to time, and whenever required by said board, report to it such information as he may acquire from observation, experience, and otherwise as to the best mode of diminishing and eradicating fruit pests and diseases from orchards, and also suggestions in practical horticulture, the adaptation of products to soil, climate, and markets, and such other facts and information as shall be calculated to improve the horticultural interests of the State.

SEC. 7. The said board, and, in case of necessity, during the recess of the said board, the said inspector may appoint such quarantine guardians as may be needed to carry out the provisions of this act, whose duties it shall be to see that the regulations of the board and the instructions of the inspector are enforced and carried out; they shall also report to said inspector, or to the State board, all infractions or violations of said directions, regulations, and of the law in regard to quarantine disinfection and destruction of pests, and precautions against the spreading pests and diseases. The salary of quarantine guardians shall not exceed two dollars per day, and shall be paid by the owners of orchards and other places and localities under quarantine regulations, and they may maintain an action therefor before any justice of the peace in any township in which any quarantine locality is wholly or in part situated. But in no case shall they have any claim upon the State for such services.

SEC. 8. It shall be the duty of the secretary to attend all meetings of the board, and to preserve records of its proceedings and correspondence; to collect books, pamphlets, periodicals, and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; to correspond with agriculture and horticulture societies, colleges, and schools of agriculture and horticulture, and other persons and bodies, as he may be directed by the board, and prepare, as required by the board, reports for publication; he shall also act as assistant to and obey the directions of the inspector of fruit pests in the exercise of the duties of his office, and shall be paid for his services as such secretary and assistant a salary of not to exceed seventy-five dollars per month.

SEC. 9. The inspector of fruit pests shall receive, as compensation for his services, not to exceed the sum of one hundred and fifty dollars per month, and his actual traveling expenses shall be allowed, not to exceed seven hundred and fifty dollars per annum; the other members of the said board shall receive no compensation whatever.

SEC. 10. The board shall, biennially, in the month of January, report to the legislature a statement of its doings, with a copy of the treasurer's accounts for the two years preceding the session thereof, and abstracts of the reports of the inspector of fruit pests and secretary. Said reports shall not exceed one hundred printed pages.

SEC. 11. The treasurer shall receive all moneys belonging to the board, and pay out the same only for bills approved by it, and shall annually render a detailed account to the board.

SEC. 12. There is hereby appropriated for the uses of the State board of horticulture, as set forth in this act, out of any moneys in the State treasury not otherwise appropriated, the sum of five thousand dollars for the year commencing April first, one thousand eight hundred and eighty-three, and five thousand dollars for the year commencing April first, one thousand eight hundred and eighty-four, and the State controller will draw his warrants upon the State treasurer in favor of the treasurer of said board for the said sums, or any part thereof, when they become available, upon proper demand being made for the same by the said board.

SEC. 13. This act shall take effect and be in force from and after its passage, and all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Approved March 13, 1883.

THE OPINION OF THE ATTORNEY-GENERAL ON THE VALIDITY OF THE COUNTY HORTICULTURAL LAW.

OFFICE OF THE ATTORNEY-GENERAL
OF THE STATE OF CALIFORNIA,
San Francisco, September 3, 1883.

DEAR SIR: It is my opinion that the act of 1881, entitled "An act to promote the horticultural interests of the State," is not repealed by the act of 1883, entitled "An act to create a State board of horticulture," there being no conflict between the provisions of said acts. There is no reason why the county boards of horticultural commissioners should not exercise all their powers and discharge their duties under said act of 1881, so far as the same do not conflict or are not inconsistent with the powers conferred upon the State board of horticulture by the act of 1883.

Very respectfully,

E. C. MARSHALL, *Attorney-General.*

S. F. CHAPIN, Esq.,
Inspector of Fruit Pests.

CHAPTER VII.

An act to amend sections eight, nine, ten, eleven, and twelve of an act entitled "An act to create and establish a State board of horticulture, and appropriate money for the expense thereof," approved March thirteenth, eighteen hundred and eighty-three.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section eight of said act is hereby amended to read as follows:

"SEC. 8. It shall be the duty of the secretary to attend all meetings of the board, and to preserve records of its proceedings and correspondence; to collect books, pamphlets, and periodicals, and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in the State and elsewhere; to correspond with agricultural and horticultural societies, colleges and schools of agriculture and horticulture, and other persons and bodies, as he may be directed by the board, and prepare, as required by the board, reports for publication. He shall also act as assistant to and obey the directions of the inspector of fruit pests in the exercise of the duties of his office, and shall be paid for his services as such secretary and assistant a salary of one hundred and fifty dollars per month, to be paid as other State officers."

SEC. 2. Section nine of said act is hereby amended to read as follows:

"SEC. 9. The inspector of fruit pests shall receive as compensation for his services the sum of two hundred dollars per month, to be paid as other State officers, and his actual traveling expenses shall be allowed, not to exceed one thousand dollars per annum. The members of the board and secretary shall receive their actual traveling expenses in attending semiannual meetings of the board."

SEC. 3. Section ten of said act is hereby amended to read as follows:

"SEC. 10. The board shall, biennially, in the month of January, report to the legislature a statement of its doings, with a copy of the treasurer's accounts for the two years preceding the session thereof, and abstracts of the reports of the inspector of fruit pests and secretary."

SEC. 4. Section eleven is hereby amended to read as follows:

"SEC. 11. The treasurer shall receive all moneys belonging to the board, and pay out the same only for bills approved by the chairman of the finance committee, and shall annually render a detailed account to the board."

SEC. 5 (section 12). There is hereby appropriated for the uses of the State board of horticulture, as set forth in this act, out of any moneys in the State treasury not otherwise appropriated, the sum of ten thousand dollars for the year commencing April first, one thousand eight hundred and eighty-five, and ten thousand dollars for the year commencing April first, one thousand eight hundred and eighty-six, and

the State comptroller will draw his warrant upon the State treasurer in favor of the treasurer of said board for the said sums, or any part thereof, when they become available, upon proper demand being made for the same by the said board.

SEC. 6. This act shall take effect immediately.

Approved February 18, 1885.

CHAPTER XXXVI.

An act to prevent the spreading of fruit and fruit-tree pests and diseases, and to provide for their extirpation.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of every owner, possessor, or occupier of an orchard, nursery, or land where fruit trees are grown within this State, to disinfect all fruit trees grown on such lands infested with any insect or insects, or the germs thereof, or infested by any contagious disease known to be injurious to fruit or fruit trees, before the removal of the same from such premises for sale, gift, distribution, or transportation. Fruit boxes which have been used for shipping fruit to any destination are hereby required to be disinfected previous to their being again used for any purpose; all boxes returned to any orchard, storeroom, salesroom, or any place used or to be used for storage, shipping, or any other purpose, must be disinfected within three days after their return; and any and all persons failing to comply with the requirements of this section shall be guilty of a misdemeanor. All packages, known as free packages, must be destroyed or disinfected before being again used.

SEC. 2. It shall be the duty of the owner, lessee, or occupier of any orchard within this State to gather all fruit infested by the insects as the codlin moth, peach moth, red spider, plum weevil, and kindred noxious insects, their larvæ or pupæ, which has fallen from the tree or trees, as often as once a week, and dispose of or destroy the same in such a manner as to effectually destroy all such insects, their larvæ or pupæ. It shall be the duty of the inspector of fruit pests, or the quarantine guardian, to inspect fruit packages, and all trees and plants, cuttings, grafts, and scions, known or believed to be infested by any insect or insects, or the germs thereof, or their eggs, larvæ, or pupæ, injurious to fruit or fruit trees, or infested with any disease liable to spread contagion, imported or brought into this State from any foreign country, or from any of the United States or territories, and if, upon inspection, such fruit or fruit packages are found to be infested or infected, it shall be a misdemeanor to offer the same for sale, gift, distribution, or transportation, unless they shall be first disinfected.

SEC. 3. Every person shipping fruit trees, scions, cuttings, or plants, from any orchard, nursery, or other place where they were grown or produced shall place upon or securely attach to each box, package, or parcel containing such fruit trees, scions, cuttings, or plants, a distinct mark or label, showing the name of the owner or shipper, and the locality where produced. And any person who shall cause to be shipped, transported, or removed from any locality declared by the State board of horticulture to be infested with fruit-tree or orchard pests, or infected with contagious diseases injurious to trees, plants, or fruits, unless the same shall have been previously disinfected, shall be guilty of a misdemeanor. Disinfection shall be to the satisfaction of the State board of horticulture, or the inspector of fruit pests. When disinfected, the fact shall be stamped upon each box, package, or separate parcel of fruit trees, scions, cuttings, or plants; and any person who shall cause to be shipped, transported, or removed, any such box, parcel, or package, from any quarantine district or locality, not bearing such stamp, shall be guilty of a misdemeanor, and may be punished by a fine, as provided in section six of this act. Any person who shall falsely cause such stamp to be used, or shall imitate or counterfeit any stamp or device used for such purpose, shall be guilty of a misdemeanor.

SEC. 4. It shall be the special duty of each member of the State board of horticulture to see that the provisions of this act are carried out within his respective horticultural district, and all offenders duly punished.

SEC. 5. All fruit trees infested by any insect or insects, their germs, larvæ, or pupæ, or infected by disease known to be injurious to fruit or fruit trees, and liable to spread contagion, must be cleaned or disinfected before the first day of April, eighteen hundred and eighty-five, and on or before the first day of April of every succeeding year thereafter. All owners or occupants of lands on which fruit trees are grown failing to comply with the provisions of this section shall be guilty of a misdemeanor, and fined as provided for in section six of this act. All fruit packages, trees, plants, cuttings, grafts, and scions, that shall not be disinfected within twenty-four hours after notice by the inspector of fruit pests or a duly appointed quarantine guardian or any member of the board of horticulture, shall be liable to be proceeded against as a public nuisance.

SEC. 6. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars for every offense.

Approved March 10, 1885.

An ordinance for the destruction of insects injurious to fruit and fruit trees.

[Recommended for adoption.]

The board of supervisors of the county of ——— do ordain as follows:

SECTION 1. Whenever a petition is presented to the board of supervisors of ——— County, signed by five or more persons, who are resident freeholders and possessors of an orchard, stating that certain or all orchards or trees of any variety are infected with scale bug, codlin moth, or other insects that are destructive of trees, and asking the appointment of a commission to supervise the destruction of such insects, the board of supervisors shall, within twenty days after such petition is presented to the board, appoint three commissioners for the said county, to be known as the county board of horticultural commissioners.

SEC. 2. The commissioners shall hold their office for the term of three years, and until their successors are qualified; except that of the commissioners first appointed one shall hold for one year, one for two years, and the third for three years. The commissioners first appointed shall decide by lot which of them shall hold for one year, which for two years, and which for three years. After the first commissioners are appointed the board of supervisors shall appoint one commissioner every year, such appointment to be made one month, or thereabouts, before the commencement of the term of the appointed.

SEC. 3. Any vacancy which may from any cause occur in the commission shall be filled by appointment of the board of supervisors. The appointee to fill a vacancy shall hold for the balance of the unexpired term.

SEC. 4. Whenever the county board of horticultural commissioners shall be informed by complaint in writing of any person residing in said county that an orchard, nursery, or trees, or any place in their jurisdiction, is infested with scale bug, codlin moth, red spider, or other noxious insects, liable to spread contagion dangerous to the trees or fruit of the complainant, or their eggs or larvæ injurious to fruit or fruit trees, they shall cause inspection to be made of the said premises, and if found infested they shall notify the owner or owners, or the persons or person in charge or possession of the said trees or place, that the same are infected with the said insects, or any of them, or their eggs or larvæ, and shall require such person or persons to disinfect the same within such reasonable time as they may direct, to be specified in the notice; such notice may be served by any commissioner or any person deputed by the commissioners for that purpose, and shall be served by delivering a copy thereof to such owner or persons having charge thereof, personally; provided, that when any person other than the owner is in possession or charge of such place the notice shall be served upon the owner, if within the county, as well as the person so in charge or possession of such premises,

SEC 5. If within the time specified in said notice such disinfection has not been accomplished, then such person or persons shall be required by notice, to be served as hereinbefore provided, to make application of such treatment, applied in such manner and within such time as the commissioners may prescribe, but subject to the general laws of the State of California.

SEC. 6. If the person so notified shall fail to disinfect such places or to apply such treatment in the manner and within the time prescribed in the notice, such orchards or nurseries, or places, shall be deemed a public nuisance, and may be proceeded against in any court of competent jurisdiction, and abated as such nuisance, either by the disinfection of such place under the direction of said commission or other public authority, or by the destruction thereof, when necessary to prevent the spread of such disease or pest.

SEC. 7. The cost and expense of such proceedings for the compulsory disinfection of such premises, including the expenses of disinfection when ordered, shall be a lien upon said premises.

SEC. 8. Said board of commissioners shall have the power to divide the county into districts and appoint a local inspector for each district, who shall perform such duties as may be required of him by the board of commissioners.

SEC. 9. Said county board of horticultural commissioners shall perform such other duties as may be prescribed by law, and for a failure to perform such duties or any of their duties, they may be removed by the board of supervisors upon complaint in writing.

SEC. 10. Each commissioner shall receive ——— dollars per day, and each local inspector ——— dollars per day for his services for each day in which such commissioner or inspector is actually engaged in the performance of his duties; provided that the total amount of expenditure for services of commissioners and inspectors shall not exceed in any one year the sum of ——— dollars, without a special order of this board to that effect.

SEC. 11. This ordinance shall take effect and be in force from and after the —— day of ———, A. D. eighteen hundred and eighty ——; and prior to said day shall be published, with the names of the members voting for and against the same, for at least one week in the ——, a newspaper published in said county.

Dated ———, 188–.

——— ———,
Chairman of the board.

Attest:

——— ———,
Clerk.

An act to protect and promote the horticultural interests of the State. (Approved March 14, 1881; amended by an act approved March 19, 1889.)

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

"SECTION 1. Whenever a petition is presented to the board of supervisors of any county, and signed by twenty-five or more persons who are resident freeholders and possessors of an orchard, or both, stating that certain or all orchards or nurseries, or trees of any variety, are infested with scale insects of any kind, injurious to fruit, fruit trees, and vines, codlin moth, or other insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise their destruction as herein provided, the board of supervisors shall, within twenty days thereafter, select three commissioners for the county, to be known as a county board of horticultural commissioners. The board of supervisors may fill any vacancy that may occur in said commission by death, resignation, or otherwise, and appoint one commissioner each year, one month, or thereabouts, previous to the expiration of the term of office of any member of said commission. The said commissioners shall serve for a period of three years from the date of their appointment,

except the commissioners first appointed, one of whom shall serve for one year, and one of whom shall serve for two years, and one of whom shall serve for three years, from the date of appointment. The commissioners first appointed shall themselves decide, by lot or otherwise, who shall serve for one year, who shall serve for two years, and who shall shall serve three years, and shall notify the board of supervisors of the result of their choice."

SEC. 2. Section two of said act is hereby amended so as to read as follows:

"SEC. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchard, or nursery, or trees, or any fruit-packing house, storeroom, salesroom, or any other place in their jurisdiction, and if found infested with scale bug, codlin moth, or other insect pests injurious to fruit, trees, and vines, they shall notify the owner or owners, or person or persons in charge or possession of said trees or place as aforesaid, that the same are infected with said insects, or any of them, or their eggs or larvæ, and they shall require such person or persons to disinfect or destroy the same within a certain time, to be specified. If within such specified time such disinfection or destruction has not been accomplished, the said person or persons shall be required to make application of such treatment for the purpose of destroying them as said commissioners may prescribe. Said notices may be served upon the person or persons owning or having charge or possession of such infested trees, or places, or articles, as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action.

"If the owner or owners, or the person or persons in charge or possession of any orchard, or nursery, or trees, or places, or articles infested with said insects or any of them, or their larvæ or eggs, after having been notified as above to destroy the same, or make application of treatment as directed, shall fail, neglect, or refuse so to do, he or they shall be deemed guilty of maintaining a public nuisance, and any such orchards, nurseries, trees, or places, or articles thus infested, shall be adjudged and the same is hereby declared a public nuisance, and may be proceeded against as such. If found guilty, the court shall direct the aforesaid county board of horticultural commissioners to abate the nuisance. The expenses thus incurred may be a lien upon the real property of the defendant."

SEC. 3. Section three of said act is amended so as to read as follows:

"SEC. 3. Said county boards of horticultural commissioners shall have power to divide the county into districts, and to appoint a local inspector for each of said districts. The State board of horticulture, or the quarantine officer of said board, shall issue commissions as quarantine guardians to the members of said county boards of horticultural commissioners, and to the local inspectors thereof. The said quarantine guardians, local inspectors, or members of said county boards of horticultural commissioners, shall have full authority to enter into any orchard, nursery, or place or places where trees or plants are kept and offered for sale, or otherwise, or any house, storeroom, sales room, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof."

SEC. 4. Section four of said act is hereby amended so as to read as follows:

"SEC. 4. It shall be the duty of said county board of horticultural commissioners to keep a record of their official doings, and to make a report to the State board of horticulture on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to disinfecting, and as to quarantine against insect pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Said board shall publish said reports in bulletin form, or may incorporate so much of the same in their annual reports as may be of general interest."

SEC. 5. Section five of said act is hereby amended so as to read as follows:

"SEC. 5. Each member of the county board of horticultural commissioners, and each local inspector, shall be paid for each day actually engaged in the performance

of his duties under this act, payable out of the county treasury of his county, such compensation as shall be determined by resolution of the board of supervisors of the county before entering into the discharge of his or their duties."

SEC. 6. Section six of said act is hereby amended so as to read as follows:

"SEC. 6. Said county boards of horticultural commissioners shall have power to remove any local inspector who shall fail to perform the duties of his office."

SEC. 7. (Repealed).

SEC. 8. Section eight is hereby amended so as to read as follows, and to be known as section seven of said act, viz:

"SEC. 7. If any member of the county board of horticultural commissioners shall fail to perform the duties of his office, as required by this act, he may be removed from office by the board of supervisors, and the vacancy thus formed shall be filled by appointment by the board of supervisors."

SEC. 9. Section nine of said act is hereby amended so as to read as follows, and to be known as section eight of said act, viz:

"SEC. 8. It shall be the duty of the county board of horticultural commissioners to keep a record of their official doings, and to make a monthly report to the board of supervisors, and the board of supervisors may withhold warrant for salary of said members and inspectors thereof until such time as said report is made."

SEC. 10. A new section is hereby added to said act, to be known as section nine, and to read as follows, viz:

"SEC. 9. All acts or parts of acts in conflict with the provisions of this act are hereby repealed."

SEC. 11. This act shall take effect and be in force from and after its passage.

SUPERIOR COURT DECISION.

Appointment of county boards of horticultural commissioners mandatory.

Hon. John G. Pressley, judge of the superior court of Sonoma County, on the 19th of June, 1889, rendered the following decision, in which the validity of the act directing the boards of supervisors to establish county boards of horticultural commissioners is sustained:

E. A. Rogers *v.* The Board of Supervisors of Sonoma County.

John Goss, esq., attorney for plaintiff.

On the 19th of March an act of the legislature was approved, entitled "An act to amend an act entitled 'An act to protect and promote horticultural interests of the State,' approved March 14, 1881."

This act (of March, 1889) provides that "Whenever a petition is presented to the board of supervisors of any county, and signed by twenty-five or more persons who are resident freeholders and possessors of an orchard, or both, stating that certain or all orchards, or nurseries, or trees of any variety, are infested with scale insects that are destructive to trees, and praying that a commission be appointed by them, whose duty it shall be to supervise their destruction as herein provided, the board of supervisors shall, within twenty days thereafter, select three commissioners from the county, to be known as a county board of horticultural commissioners."

The duties of the board so appointed are declared by the act. It appears from the complaint that in accordance with this act, a petition was presented to and filed with the board of supervisors, signed by this plaintiff and twenty-six other persons possessing the qualifications prescribed by the act, praying for the appointment of a county board of horticultural commissioners for Sonoma County, and a demand was made on the supervisors that they carry into effect the provisions of the act and appoint the commissioners.

The board refused to appoint commissioners.

Twenty days have expired since the filing of the petition and the demand for action upon it, and still the board of supervisors refuse and neglect to make any selections or appointment of commissioners.

This action is brought for a writ of mandate compelling the board of supervisors to make the selection and appointment as required of them by the act.

A demurrer has been interposed to the complaint, and in support thereof it is contended:

First. That the act of 14th of March, 1881, of which the act of 19th of March is amendatory, was repealed by an act approved 13th of March, 1883, which provides for the appointment by the governor of a State board of horticulture, and that in consequence of the act of 1889 being amendatory of a repealed statute it is nugatory.

The act of 1883 does not, in express terms, repeal the act of 1881, nor is that act elsewhere expressly repealed. It is a well settled legal principle that repeals by implication are not favored. A subsequent act does not, by implication, repeal a prior statute unless the subsequent one entirely covers the provisions of the first and so completely that every portion of the first is provided for by the second. There must appear an intent to entirely substitute one for the other.

Says Bishop in his work on statutory crimes, section 154: "We have seen that every legislative act in affirmative words is to be regarded, prima facie, as an addition to the mass of the law; for such on its face it purports to be. Yet, when it is inconsistent with the former law, it must, as the last expression of the legislative will, prevail. But repeals by implication, thus explained, are not favored. And a legislative intent to repeal an existing statute is not presumed. If two acts, seeming to be repugnant, can be reconciled by any fair construction, they must be, when no repeal will be held to take place."

The same principle is laid down by Judge Field in the case of *Pierrepont* v. *Crouch* (10 Cal., 316).

There are numerous other authorities to the same effect.

Is there any apparent intent to substitute one of these acts for the other, or such repugnance as would destroy the first? Let us see. The first provides for a county board of horticulture; the second for a State board. The first prescribed duties to be performed by county boards of supervisors; the second prescribed duties to be discharged by the governor. The first provides for a board of three commissioners with local jurisdiction; the second for a board of nine commissioners with a jurisdiction coextensive with the State. The first authorizes boards created by its authority to divide counties into districts; the second creates districts composed of several counties. The first requires duties to be performed by county boards which are not required by the second of the State board. For instance: The first provides for proceedings against persons who, after notice, fail or refuse to treat infested trees as directed by the board, and a destruction of trees by such board when directed by a court. No such proceedings and destruction are provided for by the second. There are other differences between the two acts which might be pointed out, but these are sufficient to show that there is no such similarity in the powers of the boards created by them as would, necessarily cause a conflict between these boards, or would justify a court, in holding that one act repeals the other. I must, therefore, hold that the act of 1881 was not repealed by the act of 1883, and was in full force when the amendatory act of 1889 was passed. The act of 1883 is an addition to the then existing legislation, and not a substitute for the act of 1881.

Second. It was contended that acts of the legislature which provided that a duty imposed shall be performed within a certain time are directory and not mandatory. I can not assent to that proposition. Where a court or board is directed by law to perform an act in a given time, the law, unless it declares the act may not be done after the expiration of the time, is so far directory as that the act is valid, though done after the time fixed, but is not directory in the sense that the duty or act directed may be entirely disregarded or omitted. The time is given that the board may have ample opportunity to act intelligently and with good judgment, but not to enable the board or officer of whom the duty is required to disregard it entirely. I have no doubt but that the board of supervisors is required by the law in question to appoint

a county board of horticultural commissioners, and that it may be lawfully done after the expiration of the twenty days given them in the act for deliberation.

Counsel referred to some authorities from other States in support of his contention. I do not think these authorities go to the extent claimed by him, and if they did, there being no such decision by our own supreme court, I would hold the law in this State to be different. The purpose of the legislature was to give the supervisors time to make judicious selections and not to justify or authorize an annulment of the legislative will expressed by the statute.

OREGON.

The following is the law creating the board, as amended by the sixteenth legislative assembly:

An act to create a State board of horticulture and appropriate money therefor.

Be it enacted by the legislative assembly of the State of Oregon:

SECTION 1. That there is hereby created a State board of horticulture, to consist of six members, who shall be appointed by a board consisting of the governor, the secretary of state, and State treasurer. One member of said board of horticulture shall represent the State at large, and one member shall be appointed to represent each of the five districts hereby created, to wit:

First. The first district, which shall comprise the counties of Multnomah, Clackamas, Yamhill, Washington, Columbia, Clatsop, and Tillamook.

Second. The second district, which shall comprise the counties of Marion, Polk, Benton, Linn, and Lane.

Third. The third district, which shall comprise the counties of Douglas, Jackson, Klamath, Josephine, Coos, Curry, and Lake.

Fourth. The fourth district, which shall comprise the counties of Wasco, Morrow, Gilliam, and Crook.

Fifth. The fifth district, which shall comprise the counties of Umatilla, Union, Baker, Wallowa, Malheur, and Grant.

SEC. 2. The members shall reside in the districts for which they are appointed. They shall be selected with reference to their study of and practical experience in horticulture and the industries dependent thereon. They shall hold office for a term of four years and until their successors are appointed and qualified: *Provided, however,* that three of the board first appointed, to be determined by lot, shall retire at the expiration of two years. All vacancies in the board shall be filled by appointment of the governor, and shall be for the unexpired term.

SEC. 3. The board is authorized to employ a secretary, prescribe his duties, and shall elect from their number a treasurer, who shall give a bond to the governor of the State of Oregon in the sum of $10,000 for the faithful performance of his duties. The secretary and treasurer shall hold their appointments at the pleasure of the board. Before entering upon the discharge of his duties, each member of the board shall take and subscribe an oath to support the Constitution of the United States and of the State of Oregon, and to faithfully discharge the duties of his office, which said oath shall be filed with the secretary.

SEC. 4. The board may receive, manage, use, and hold donations and bequests of money and property for promoting the objects of its formation. It shall meet on the second Monday of April and October of each year, and as much oftener as it may deem expedient, for consultation and for the adoption of those measures that will best promote the horticultural industries of the State. It may, but without expense to the State, select and appoint competent and qualified persons to lecture in each of the districts named in section 1 of this act, for the purpose of encouraging and improving practical horticulture, and of imparting instructions in the best methods of treating the diseases of fruits and fruit trees, cleansing orchards, and exterminating orchard pests.

SEC. 5. The office of the board shall be located at such a place as a majority thereof may determine. It shall be kept open to the public, subject to the rules of the board, every day, excepting Sunday and legal holidays, and shall be in charge of the secretary during the absence of the board.

SEC. 6. For the purpose of preventing the spread of contagious diseases among fruit and fruit trees, and for the prevention, treatment, cure, and extirpation of fruit pests, and the diseases of fruit and fruit trees, and for the disinfection of grafts, scions, or orchard débris, empty fruit boxes or packages, or other suspected material or transportable articles dangerous to orchards, fruits, and fruit trees, said board may suggest regulations for the inspection and disinfection thereof, which regulations shall be circulated in printed form by the board among the fruit growers and fruit dealers of the State; and it shall be the right and duty of every member or officer or appointee of said board to inspect any fruit or fruit packages, or any trees, plants, cuttings, grafts, or scions imported or brought into this State, known or believed to be infected by any insect or insects, or the germs thereof, or by eggs, larvæ, or pupæ thereof, or with any contagious disease injurious to fruit or fruit trees; and any person who shall sell, give away, distribute, or transport, or offer to sell, give away, distribute, or transport any such fruit, fruit packages, trees, plants, cuttings, grafts, or scions, found upon such inspection, or known to be infested as aforesaid, before the same are disinfected, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided for in section 8 of this act.

And any person shipping any fruit trees, scions, cuttings, or plants from any orchard, nursery, or other place where they were grown or produced shall place upon or securely attach to each box, package, or parcel containing such fruit trees, scions, cuttings, or plants a distinct mark or label showing the name of the owner and shipper of the same and of the locality where produced; and any person who shall ship, transport, or remove, or cause to be shipped, transported, or removed, any fruit trees, scions, cuttings, or plants found upon inspection as aforesaid, or known to be infected as specified in this act, before the same is disinfected to the satisfaction of some member or officer or appointee of the board, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined as provided for in section 8 of this act; and it shall be a misdemeanor punishable as aforesaid for any person to ship or transport from one locality to another any fruit trees, scions, cuttings, or plants that have been disinfected without a stamp or label on the box, package, or wrapping thereof showing such disinfection; and any person who shall use any false or counterfeit stamp or label as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided for in section 8 of this act; and the board shall have the power to make such temporary appointments as may be necessary to carry out the provisions of this section.

SEC. 7. The said board shall elect from their own number, or appoint from without their number, to hold office at the pleasure of the board, a competent person especially qualified by practical experience in horticulture, who shall be known as inspector of fruit pests. It shall be the duty of said inspector to visit the horticultural districts of the State; to see that all regulations of said board to prevent the spread of fruit pests and diseases of trees and plants injurious to the horticultural interests of the State, and for the disinfection of fruits, trees, plants, grafts, scions, orchard débris, empty fruit boxes and packages, and other material are made known to the people of the State. He shall, whenever required, and under the direction of the board, and may also upon his own motion and upon complaint of interested parties, inspect orchards, nurseries, and other places suspected or believed to be infected with fruit pests or infected with contagious diseases injurious to trees, plants, or fruits, and he shall report the facts to said board. The inspector shall from time to time, and whenever required by said board, report to it such information as he may secure from observation, experience, and otherwise as to the best method of diminishing and eradicating fruit pests and diseases from orchards, and

also suggestions in practical horticulture, the adaptation of produce to soil, climate, and markets, and such other facts and information as shall be calculated to improve the horticultural interests of the State.

SEC. 8. Whenever complaint is made to any member of the board that any person has an orchard, trees, or nursery of trees, or a fruit-packing house, storeroom, sales room, or any other place in this State infected with any noxious insects or the eggs or larvæ of any such insects injurious or that may become injurious to the fruit interests of the State, such member shall inspect or cause to be inspected the premises or property to which such complaint relates; and if the same is found to be infected as aforesaid, such member shall notify, in writing, the person having charge of such premises or property to appear before him at a certain time and place to be specified in such notice, to be heard in reference to the infection of said premises or property as aforesaid; and if such member, after hearing the person in charge of such property, shall be of the opinion that such premises or property, or any of the same, is infected as aforesaid, he shall notify in writing the person in charge of the same, within a time to be prescribed in such notice, to treat and disinfect said premises or property in the manner prescribed in such notice; and if the person so notified shall neglect or refuse to treat and disinfect said premises or property in the manner and within the time prescribed in said notice, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars; and if it appears upon the trial that any orchard, trees, nurseries, buildings, or other structures, premises, or property in charge of the defendant referred to in said notice, or any part of such structures, premises, or property is infected as aforesaid, the court shall declare whatsoever of the same is so infected a nuisance, and shall order it to be abated, or may make any other order necessary to prevent its continuance, and it shall be the duty of the board, or some member thereof, to execute such order, and the costs and disbursements of the prosecution shall be adjudged against the party convicted as aforesaid.

SEC. 9. It shall be the duty of the secretary to attend all meetings of the board and to procure records of the proceedings and correspondence, to collect books, pamphlets, periodicals, and other documents containing valuable information relating to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this State and elsewhere; to correspond with agricultural and horticultural societies, colleges and schools of agriculture and horticulture, and other persons and bodies as he may be directed by the board, and prepare, as required by the board, reports for publication. He shall also act as assistant to and obey the directions of the inspector of fruit pests, under the direction of the board, in the exercise of the duty of his office, and shall be paid for his services as said secretary and assistant inspector a salary of not to exceed one hundred dollars per month.

SEC. 10. The inspector of fruit pests shall receive as compensation for his services, when actually engaged in the duties of his office, a sum not to exceed five dollars per day, and his actual traveling expenses shall be allowed when so engaged.

SEC. 11. The board shall, biennially, in the month of January, report to the legislative assembly a statement of its doings, with a copy of the treasurer's accounts for the two years preceding the session thereof, and abstracts of the reports of the inspector of fruit pests and of the secretary. The members of the board shall receive as compensation for their services their actual expenses when attending the meetings of the board, and shall be allowed five dollars per day for time actually employed.

SEC. 12. The treasurer shall receive all moneys belonging to the board, and pay out the same only for bills approved by it, and shall render annually a detailed account to the board of all receipts and disbursements.

SEC. 13. There is hereby appropriated for the use of the State board of horticulture, as set forth in this act, out of the moneys in the State treasury not otherwise appropriated, the sum of $3,500 for the year commencing April 1, 1889; $3,500 for the

year commencing April 1, 1890, and the secretary of state shall draw his warrants upon the State treasurer in favor of the treasurer of the board for said sums, or any part thereof, when they have become available, upon proper demand being made for the same by said board.

SEC. 14. The said board shall report to the legislative assembly, commencing January, 1891, what, if any, legislation is needed in aid of the horticultural and fruit-growing interests of the State.

SEC. 15. Inasmuch as there is great danger to the fruit and horticultural interests of the State from pests and other causes, and no means exist whereby they can be remedied, this act shall take effect from and after its approval by the governor.

An act to define certain powers and duties of the State board of horticulture; to amend an act entitled "An act to create a State board of horticulture, and to appropriate money therefor," approved February 25, 1889.

Be it enacted by the legislative assembly of the State of Oregon:

SECTION 1. The State board of horticulture may, as it shall require, select and appoint by a commission, which shall be issued by said board, any competent person or persons especially qualified by practical experience in horticulture and entomology, who shall be known as "inspector of fruit pests," and who shall hold office at the will of the board. The duties and compensation for services of an inspector of fruit pests shall be provided for by said board in conformity to their own powers and subject to the laws hereinafter enacted. Such inspector of fruit pests shall keep a full and complete record of all his transactions, receipts and disbursements as such officer, and report the same to said board at its regular semi annual meetings, and at such other times as it shall require.

SEC. 2. For the purpose of disseminating knowledge concerning contagious diseases affecting fruit and trees, plants, vegetables, and vines, and the remedies, preventives, and disinfectants applicable thereto, it shall be the duty of the State board of horticulture, from time to time, as it may be deemed necessary, to publish in printed form such information, remedies, preventives, and disinfectants as it may approve, which shall be circulated by the board among the fruit growers, fruit dealers, shippers, transportation companies, and agents within the State.

SEC. 3. It shall be the duty of the State board of horticulture, whenever it shall deem it necessary, to make or cause an inspection to be made of any orchard, nursery, trees, plants, shrubs, vegetables, vines, or fruits, or any fruit-packing house, storeroom, sales room, or any other place or articles within the State; and if found infected with any pests injurious to fruit, plants, vegetables, trees, or vines, or with their eggs or larvæ, they shall notify the owner or owners, or the person or persons in charge or in possession of said places, orchards, nurseries, trees, plants, vegetables, vines, fruit, or articles as aforesaid, that the same are infected with said pests, or any of them, or their eggs or larvæ; and they shall require such person or persons to eradicate or destroy the said insects or other pests, or their eggs or larvæ, within a certain time, to be specified. Said notices may be served upon the person or persons, or either of them, owning or having charge or having possession of such infected place or orchard, nursery, trees, plants, vegetables, vines, fruit, or articles as aforesaid, by a member of the State board of horticulture, or an inspector of fruit pests, or they may be served in the same manner as a summons in a civil action. Any and all such places, orchards, nurseries, trees, plants, shrubs, vegetables, vines, fruits, or articles thus infected are hereby adjudged and declared to be a public nuisance; and whenever any such nuisance shall exist at any place within the State, or on the property of any nonresident, or on any property the owner or owners of which can not be found within the State after diligent search, or any property where notice has been served as aforesaid, and where the owner or those in possession shall refuse or neglect to abate the same within the time specified, it shall be the duty of any member or members of the State board of horticulture to cause said nuisance to be at once abated by eradicating or destroying said pests or their eggs or larvæ. The expense

thereof shall be a county charge, and the county court of the county wherein such property is found shall allow and pay the same out of the general fund of the county, when presented with the proper vouchers and a sworn statement thereof, by such commissioner or commissioners; and any and all sums so paid shall be and become a lien on the property and premises from which said nuisance has been abated, in pursuance of this act, and may be recovered by a suit against such property and premises; which suit to foreclose all such liens shall be brought in the proper court by the district attorney of such county, in the name of and for the benefit of said county; and in case the property is sold enough of the proceeds shall be paid into the county treasury to satisfy the liens and costs, and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not into the court for his use when ascertained. The State board of horticulture or any member thereof is hereby vested with power to cause any and all such nuisances to be at once abated in a summary manner; and the members of said board and inspectors of fruit pests commissioned by said board shall have full authority to enter into any orchard, nursery, place, or places where trees or plants are kept or offered for sale or otherwise, or any house, storeroom, salesroom, depot, or other such place within the State, to inspect the same or any part thereof.

SEC. 4. That the State board of horticulture or any member thereof be, and the same are hereby, vested with all necessary power to enforce quarantine against any infected orchard, nursery, trees, plants, shrubs, vegetables, vines, fruits, or any place or articles within the State, when the same are liable to spread contagious diseases injurious to fruit or trees of any kind within the State, and to provide necessary rules and regulations to govern the same.

SEC. 5. The members of the State board of horticulture, and the inspectors of fruit pests commissioned by said board, shall receive compensation for their services, when actually engaged in the duties of their offices, a sum not to exceed five dollars per day, and their actual traveling expenses shall be allowed when so engaged; and whenever it shall become necessary for any of the board to abate a nuisance, as provided for by this act, compensation for their time and traveling expenses while so employed shall be paid as a part of the county charge provided for in section 3 of this act.

SEC. 6. That section 13 of an act entitled "An act to create a State board of horticulture, and to appropriate money therefor," approved February 25, 1889, be, and the same is hereby, amended to read as follows:

"SEC. 13. There is hereby appropriated for the use of the State board of horticulture, out of the moneys in the State treasury not otherwise appropriated, the sum of $6,000 for the year commencing January 1, 1893, and $6,000 for each succeeding year thereafter; and the secretary of state shall draw his warrant upon the State treasurer in favor of the treasurer of said board for said sums or any part thereof when they have become available, upon proper demand being made for the same."

SEC. 7. That sections 6, 7, 8, and 10 of said act be, and the same are hereby, repealed.

SEC. 8. This act shall take effect from and after its approval by the governor.

An act to prevent the sale, gift, distribution, planting, and transportation of infected fruit, or trees, plants, cuttings, grafts, buds, scions, or other material, and to prescribe penalties therefor.

Be it enacted by the legislative assembly of the State of Oregon:

SECTION 1. All peach, nectarine, apricot, plum, prune, almond, or other trees, budded or grafted, upon peach or other stocks or roots, and all peach or other pits, cuttings, buds, or scions, raised or grown in a district where the peach yellows or the peach rosette are known to exist, and all fruits grown thereon, are hereby prohibited from being offered for sale, gift, distribution, transportation, or planting within the State of Oregon; and any person or persons, dealers, shippers, transportation companies, and agents thereof who shall be in possession of any such property for any purpose, shall, when required by any member of the State board of horticulture or an inspector of fruit pests, burn the same without delay.

SEC. 2. Fruit of any kind, all trees, plants, cuttings, grafts, buds, seeds, pits, scions, or other transportable material of any kind, grown in any foreign country, or in any of the United States or Territories, or in the State of Oregon, infected by any insect or insects, or their germs, or by any fungi, blight, or other diseases known to be injurious to fruit or fruit trees, or to other trees, and liable to spread contagion, is hereby prohibited from being offered for sale, gift, distribution, planting, or transportation until the same shall be thoroughly disinfected in such manner as may be required by the State board of horticulture, and to the satisfaction of some member thereof, or of an inspector of fruit pests. And all consignees, agents, or any person who shall receive any fruit or trees, plants, cuttings, grafts, buds, seeds, pits, or scions, imported or brought into the State from any foreign country, or from any of the United States or Territories, are hereby required to notify, within twenty-four hours, the member of the State board of horticulture for the district within which the same may be received, or an inspector of fruit pests, of the arrival thereof, and shall hold the same in quarantine at the first place of debarkation within the State until such commissioner or inspector can determine whether they are free from pests which are liable to become contagious, before they can be offered for sale, gift, transportation, or planting.

SEC. 3. Any person or persons shipping any fruit or fruit trees, scions, cuttings, or plants within the State, shall place upon or securely attach to each box, package, or parcel containing the same, a distinct mark, stamp, or label, showing the name of the producer and shipper of the same, and the locality where grown.

SEC. 4. Any person or persons, dealers, shippers, transportation companies, and their agents, having in their possession any fruit or trees, plants, cuttings, grafts, buds, seeds, pits, scions, or transportable material of any kind infested with any insect or insects, or their germs, or with fungi, blight, or other diseases injurious to fruit or fruit trees, or to other trees or plants, and who shall sell, offer for sale, gift, distribution, planting, or transportation, or who refuse or neglect to destroy or disinfect the said fruit, or trees, plants, cuttings, grafts, seeds, buds, pits, scions, or other matter, or who shall refuse or neglect to attach a distinct mark or lable thereto, showing the name of the producer, shipper, and locality where grown, or who shall use any false or counterfeit mark, stamp, or label thereon, or who shall refuse or neglect to notify a commissioner or inspector of importations, contrary to the provisions of sections 1, 2, and 3 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than one hundred dollars.

SEC. 5. This act shall take effect from and after its approval by the governor.

[NOTE.—The foregoing bills are said by representative fruit growers to have been found cumbersome and ineffective. The following bill, at the date of present writing (January 31, 1895), is about to be introduced by Senator Galbraith, and has received strong indorsement among horticulturists, as I am informed by Mr. M. O. Lownsdale and Prof. F. L. Washburn.—L. O. H.]

A bill for an act to create the office and define the duties of State horticultural inspector, to appropriate money for the expenses thereof, and to prevent the gift, sale, distribution, planting, or transportation of infested trees, plants, cuttings, grafts, buds, scions, fruit, or other material, prescribing penalties therefor.

Be it enacted by the legislative assembly of the State of Oregon:

SECTION 1. That there is hereby created the office of State horticultural inspector, which officer shall be appointed by the governor and shall be selected with reference to his study of and practical experience in horticulture.

SEC. 2. The State horticultural inspector shall hold office for the term of four years, or until his successor has been appointed and has qualified. Before entering upon his duties the State horticultural inspector shall take and subscribe to an oath

to support the Constitution of the United States, and of the State of Oregon, and to faithfully perform the duties of his office, which oath shall be filed in the office of the secretary of state.

SEC. 3. The State horticultural inspector shall visit the different horticultural districts of the State for the purpose of inspecting orchards, nurseries, and other places as hereinafter enumerated, and shall publish in each county, at least ten days previous to such official visits, his intention of making the same.

SEC. 4. It shall be the duty of the State horticultural inspector, either upon his own motion or upon the complaint of interested parties, to enter and to make or cause to be made inspections of any orchard, nursery, fruit-packing house, storeroom, sales room, depot, or other place, and of fruits, vegetables, trees, plants, vines, or other material within the State supposed, believed, or liable to be infested with fruit pests, or with their eggs or larvæ, or infected with contagious diseases injurious to fruit, plants, trees, or vines. If upon any such inspection there be found any disease or any pest, or the eggs or larvæ of any pest, injurious to fruit, vegetables, plants, trees, or vines, the State horticultural inspector shall notify the owner or owners, or the person or persons in charge or in possession of said places, orchards, nurseries, trees, plants, vegetables, vines, fruits, or other materials, as aforesaid, that the same are infested with said pests or any of them, or with their eggs or larvæ. And he shall require such person or persons to eradicate or destroy said injurious insects or other pests, or their eggs or larvæ, within a reasonable time to be specified. Said notice may be served upon said person or persons, or either of them, owning or having in charge or possession such infested place, orchard, nursery, trees, plants, vegetables, vines, fruit, or articles, as aforesaid, by the State horticultural inspector, or it may be served in the same manner as a summons in a civil action. Any and all such places, orchards, nurseries, trees, plants, vegetables, vines, fruits, or articles thus infested are hereby adjudged and declared to be a public nuisance. And whenever any such nuisance shall exist at any place within the State, or on the property of any nonresident, or on any property the owner or owners of which can not be found within the State, or on any property where notice has been served, as aforesaid, and where the owner or those in possession shall refuse or neglect to abate said nuisance within the time specified, it shall be the duty of the State horticultural inspector, and he is hereby empowered, to cause said nuisance to be at once abated by eradicating or destroying all said pests, or their eggs or larvæ, or by disinfecting or destroying all fruit, vegetables, vines, trees, plants, or other articles upon which any of said pests, or their eggs or larvæ, may be found. The expense of such proceeding shall be a county charge, and the county court of the county wherein such property is found shall allow and pay the same out of the general fund of the county when presented with the proper vouchers and a sworn statement thereof by the State horticultural inspector. All sums so paid shall be and become a lien upon the property and premises upon which said nuisance has been abated in pursuance of this act, and may be recovered by suit against such property and premises. Suit to foreclose all such liens shall be brought in the proper court by the district attorney of such county in the name of and for the benefit of said county. In case the property is sold, enough of the proceeds shall be paid into the county treasury to satisfy the lien and the costs. The overplus, if any there be, shall be paid to the owner of the property, if he be known; and if not, into the court for his use when discovered.

SEC. 5. The State horticultural inspector is hereby vested with all necessary authority to enforce quarantine against any infested orchard, nursery, trees, plants, shrubs, vegetables, vines, fruits, or any place or article within the State when the same may be liable to spread contagious diseases injurious to fruit or trees of any kind, and to provide necessary rules and regulations to govern the same.

SEC. 6. For the purpose of disseminating knowledge concerning contagious diseases or injurious pests affecting trees, plants, vegetables, vines, or fruits and the remedies, preventives, and disinfectants applicable thereto, the State horticultural

inspector shall, from time to time, as he may deem necessary, have printed by the State printer bulletins containing such information, remedies, preventives, and disinfectants as he may approve, which bulletins shall be circulated among the fruit growers, fruit dealers, shippers, transportation companies, and their agents within the State.

SEC. 7. That all peach, nectarine, apricot, plum, prune, almond, or other trees budded or grafted upon peach stocks or roots, all peach or other pits, cuttings, buds, or scions raised or grown in a district where "peach yellows" or "peach rosette" is known to exist are hereby prohibited from being offered for sale, gift, distribution, transportation, or planting within the State of Oregon. Any person or persons, dealers, shippers, transportation companies, or their agents who shall be in possession of any such property, for any purpose, shall, when required by the State horticultural inspector, burn the same without delay.

SEC. 8. Fruit of any kind, all trees, plants, cuttings, grafts, buds, seeds, scions, pits, or other transportable material of any kind, grown in any foreign country, or in any of the United States or Territories, infested by any insect or insects, or their germs, or by any fungus or other disease known to be injurious to fruit or fruit trees or to other trees, and liable to spread contagion, are hereby prohibited from being offered for sale, gift, distribution, transportation, or planting until the same shall be thoroughly disinfected in such manner as may be required by the State horticultural inspector.

SEC. 9. Any person or persons shipping any fruit or fruit trees, scions, cuttings, or plants within the State shall affix to each box, package, or parcel containing the same a distinct mark, stamp, or label, showing the name of the producer and shipper of the same and the locality where grown.

SEC. 10. Any person or persons, all dealers, shippers, transportation companies, or their agents, having in their possession any fruit or trees, plants, cuttings, grafts, buds, seeds, pits, scions, or transportable material of any kind infested with any injurious insect or insects, or their germs, or with any fungus or other disease injurious to fruit or fruit trees, or to other trees or plants, or who shall sell or offer for sale, gift, distribution, transportation, or planting, or who shall refuse or neglect to destroy or disinfect the said fruit or trees, plants, cuttings, pits, scions, or other material, or who shall refuse or neglect to attach a distinct mark or label thereto, as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than five hundred dollars.

SEC. 11. The State horticultural inspector shall biennially, in the month of January, report to the legislature a statement of his official acts, and present the actual condition and progress of horticulture in the State.

SEC. 12. The State horticultural inspector shall receive as compensation for his services the sum of fifteen hundred dollars per year and his actual traveling expenses when engaged in the duties of his office: *Provided*, That not more than five hundred dollars shall be expended in any one year for such traveling expenses.

SEC. 13. There is hereby appropriated for the use of the State horticultural inspector, as set forth in this act, out of the moneys in the State treasury not otherwise appropriated, the sum of $1,500 and such further sum, not exceeding $500, as may be necessary for his traveling expenses for the year commencing April 1, 1895, and a like sum of $1,500 and traveling expenses, not exceeding $500 in any one year, for each succeeding year thereafter. And the secretary of state shall draw his warrant upon the State treasurer in favor of the State horticultural inspector for said sums or any portion thereof when they have become available, upon presentation by said officer of the proper vouchers.

SEC. 14. That an act entitled "An act to create a State board of horticulture and appropriate money therefor," approved February 25, 1889, and all amendments thereto, be and the same are hereby repealed.

SEC. 15. Inasmuch as there is imminent danger to the horticultural interests of the State from pests and other causes for which no adequate remedy has been provided, this act shall take effect from and after its approval by the governor.

WASHINGTON.

The principal insect legislation of Washington is embraced in sections 2665 and 2666 of the Revised Laws and Codes of the State, under the title Horticulture. Previous sections create a State board of horticulture, consisting of seven members, one from each of six horticultural districts and one from the State at large. They are appointed by the governor for a term of four years, must reside in the district whence appointed, are empowered to employ a secretary and treasurer, and are directed to render a report biennially. They must report as to needed legislation, and are given the same powers and duties as regards the prevention of hop-plant pests as in the case of fruit and fruit culture. The sections specifically describing their powers and duties are as follows:

Regulations for inspection and disinfection.

SEC. 2664. For the purpose of preventing the spread of contagious diseases among fruit and fruit trees, and for the prevention, cure, and extirpation of fruit pests and the diseases of fruits and fruit trees, and for the disinfection of grafts, scions, or orchard débris, empty fruit boxes or packages, and other suspected material or transportable articles dangerous to orchards, fruits, and fruit trees, said board may suggest regulations for the inspection and disinfection thereof, which regulations shall be circulated in printed form by the board among the fruit growers and fruit dealers of the State, and shall be published at least ten days in two daily newspapers of general circulation in each county in the State, one of which shall be at the county court-house thereof.

Inspector of fruit pests—appointment and duties of.

SEC. 2665. The said board shall elect from their own number, or appoint from without their number, to hold office at the pleasure of the board, a competent person especially qualified by practical experience in horticulture, who shall be known as "inspector of fruit pests." It shall be the duty of said inspector to visit horticultural districts of the State, to see that all the regulations of said board to prevent the spread of fruit pests and diseases of trees and plants injurious to the horticultural interests of the State, and for the disinfection of fruits, trees, plants, grafts, scions, orchard débris, empty fruit boxes and packages, and other material, be made known to the people of the State. He shall, whenever required, and under the direction of the board, and may also upon his own motion and complaint of interested parties, inspect orchards, nurseries, and other places suspected or believed to be infected with fruit pests or infected with contagious diseases injurious to trees, plants, or fruits, and he shall report the facts to said board. The inspector shall, from time to time, and whenever required by said board, report to it such information as he may secure from observation, experience, and otherwise, as to the best methods of diminishing and eradicating fruit pests and diseases from orchards, and also suggestions in practical horticulture, the adaptation of produce to soil, climate, and markets, and such other facts and information as shall be calculated to improve the horticultural interests of the State.

Duty of member of board upon complaint made—Hearing as to infections—Nuisance.

SEC. 2666. Whenever a complaint is made to any member of the board that any person has an orchard, trees, or nursery of trees, or a fruit-packing house, storeroom, sales room, or any other place in this State, infected with any noxious insects, or the eggs or larvæ of any such insects, or that any package of trees, plants, or

fruit are in transit to this State or are in this State about to be disseminated, which are known or suspected to be from localities that are infected with any disease or pests injurious or that may become injurious to the fruit interests of the State, such members shall inspect, or cause to be inspected, the premises or property to which such complaint relates, and if the same is found to be infected as aforesaid, such members shall notify, in writing, the person having charge of such premises and property to appear before him at such time and place as specified in such notice, to be heard in reference to the infection of said premises or property aforesaid; and if such member after hearing the person in charge of such premises or property shall be of the opinion that such premises or property, or any of the same, is infected as aforesaid, he shall notify, in writing, the person in charge of the same, within a time to be prescribed in such notice, to treat and disinfect said premises or property, in the manner prescribed in such notice, and if the person so notified shall neglect or refuse to treat and disinfect said premises or property in the manner and within the time prescribed in said notice, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars; and if it appears on the trial that any orchard, trees, nursery, building, or any structures, premises, or property in charge of the defendant referred to in said notice, or any part of such structures, premises, or property, is infested or infected as aforesaid, the court shall declare whatsoever of the same is so infected a nuisance, and shall order it to be abated, or make any other order necessary to prevent its continuance, and it shall be the duty of the board, or some member thereof, to execute such order, and the costs and disbursements of the prosecution shall be adjudged against the party convicted as aforesaid.

Compensation of inspector of fruit pests.

SEC. 2668. The inspector of fruit pests shall receive as compensation for his services when actually engaged in the duties of his office a sum not to exceed five dollars per day, and his mileage actually paid out shall be allowed when so engaged.

IDAHO.

An act to protect and promote the horticultural interests of the State, and to destroy insect pests in orchards and elsewhere.

Be it enacted by the legislature of the State of Idaho:

SECTION 1. Whenever a petition is presented to the board of county commissioners of any county, and signed by twenty or more persons who are resident freeholders and possessors of an orchard, or both, stating that certain or all orchards or nurseries or trees of any variety are infested with scale insects of any kind injurious to fruit, fruit trees, and vines, codlin moth or other insects that are destructive to trees, and praying that a commissioner be appointed by them whose duty it shall be to supervise their destruction, as herein provided, the board of commissioners shall, within twenty days thereafter, select a commissioner for the county, to be known as the county horticultural commissioner. The said commissioner shall serve for a period of two years from the date of appointment.

SEC. 2. It shall be the duty of the county horticultural commissioner in each county, whenever he shall deem it necessary, to cause an inspection to be made of any orchard, or nursery, or trees, or any fruit-packing house, storeroom, sales room, or any other place in his jurisdiction, and if found infested with scale bug, codlin moth, or other insect pest injurious to fruit, trees, and vines, he shall notify the owner or owners or person or persons in charge or possession of said trees or place, as aforesaid, that the same are infested with the said insects, or any of them, or their eggs or larvæ, and he shall require such person or persons to disinfect or destroy the same within a certain time, to be specified. If within such specified time such disinfection or destruction has not been accomplished, the said person or persons shall be required to make application of such treatment, for the purpose of

destroying them, as said commissioner may prescribe. Said notices may be served upon the person or persons owning or having charge or possession of such infested trees, or places, or articles, as aforesaid, by the commissioner or any person deputed by him for that purpose; or they may be served in the same manner as a summons in a civil action. If the owner or owners, or any person or persons in charge or possession (in) of any orchard, or nursery, or trees, or places, or articles infested with said insects, or any of them, or their larvæ or eggs, after having been notified as above to detroy the same, or make application of treatment as directed, shall fail, neglect, or refuse so to do, he or they shall be deemed guilty of maintaining a public nuisance, and any such orchards, nurseries, trees, or places, or articles thus infested shall be adjudged, and the same is hereby declared a public nuisance, and may be proceeded against as such. If found guilty, the court shall direct the aforesaid county horticultural commissioner to abate the nuisance. The expenses thus incurred shall or may be a lien upon the real property of the defendant or property proceeded against.

SEC. 3. Said horticultural commissioner shall have power to divide the county into districts and to appoint a local inspector for each of said districts. The horticultural commissioner or his local inspectors shall have full authority to enter into any orchard, nursery, or place or places where trees or plants are kept and offered for sale or otherwise, or any house, storeroom, sales room, depot, or any other such place in their jurisdiction to inspect the same or any part thereof.

SEC. 4. The county horticultural commissioner and each local inspector shall be paid for each day actually engaged in the performance of his duty under this act, payable out of the county treasury of his county, such compensation as shall be determined by resolution of the board of county commissioners before entering into the discharge of his or their duties.

SEC. 5. The said horticultural commissioner shall have power to remove or dispense with any local inspector at any time.

SEC. 6. If the horticultural commissioner of any county shall fail to perform the duties of his office as required by this act, he may be removed; or, in case of vacancy by death, resignation, or other cause, the county commissioners shall fill such vacancy thus formed by appointment.

SEC. 7. It shall be the duty of the county horticultural commissioner to keep a record of his and local inspectors' official doings, and to make a quarterly report to the board of county commissioners, or they may withhold warrant for salary of said commissioner or local inspectors until such time as said report is made.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 13, 1891.

[NOTE.—Up to January 6, 1895, but two counties in Idaho had taken advantage of this law and appointed commissioners. These counties were Nez Percez (M. J. Wessels, commissioner) and Latah (H. A. Russel, commissioner).—L. O. H.]

NEW JERSEY.

An act to prevent depredations by insects injurious to the agricultural and horticultural interests of this State.

PREAMBLE.

Whereas, serious injury is annually caused by the depredations of insects to the agricultural and horticultural interests of this State, which injury may be lessened or entirely avoided by the use of methods published from time to time in the reports and bulletins of the agricultural experiment stations in New Jersey; and such methods are quite commonly adopted in this State by progressive agriculturists, farmers, and fruit growers, and have proved effective and most useful; and the refusal or neglect of certain other agriculturists, farmers, and fruit growers to adopt and

practice such methods results in the continued reproduction and spread of such insect pests, to the great damage of their neighbors and the public; therefore,

1. *Be it enacted by the senate and general assembly of the State of New Jersey*, That it shall be the duty of every agriculturist, gardener, farmer, nurseryman, or other cultivator of the soil in the State to adopt and apply from time to time, in the proper seasons therefor, such methods for the destruction of insects injurious to growing crops and fruits of all kinds as are and may be advised and prescribed in the reports and bulletins of the agricultural experiment stations in this State.

2. *And be it enacted*, That whenever requested by a resolution of any county board of agriculture of this State, at a meeting of such board, regularly held, the executive committee of the State board of agriculture of this State shall appoint three persons, residents of the county from which such request shall be made, to act as commissioners or agents for the purpose of this act in such county, without other compensation than as hereinafter provided.

3. *And be it enacted*, That whenever complaint shall be made to such commissioners, or to any one of them, that any person or persons within their county has or have failed, neglected, or refused, and continue to fail, neglect, or refuse to use such methods so prescribed, or to be prescribed, by the said agricultural experiment stations in this State, or other equally efficient and satisfactory methods, for the destruction of insects injurious to growing crops and fruits, on land in his, her, or their possession, that then said commissioners, or any two of them, shall notify such person or persons so complained of, in writing, by service of such notice, signed by them, upon such person or persons personally, or by leaving the same at their place of residence, that they are required under the penalties provided in this act forthwith to apply such methods so prescribed, or to be prescribed as aforesaid, for and towards the destruction of such injurious insects. And said notice shall specify the particular species of insect or insects complained of, and the methods to be adopted for their destruction, with a reference to the reports or bulletins of said agricultural experiment stations, or some one or more thereof, where such insects and the methods for their destruction are or may be described—or in lieu thereof there may be served with such notice a printed copy of such bulletins or reports and prescribed methods of destroying insects as are relied upon, or a printed extract or extracts therefrom setting forth the methods to be used for their destruction.

4. *And be it enacted*, That it shall be the duty of such person or persons so notified, within twenty-four hours after receiving such notice and directions, to proceed to destroy such insects on his lands and premises so complained of in the manner and by such methods as said notice and directions shall specify; and every person or persons who shall neglect or refuse so to do, for the space of six days after receiving such notice and directions served as aforesaid, shall forfeit and pay a fine not less than twenty-five nor more than one hundred dollars, in the discretion of the court, besides the costs of the suit, to be sued for, received, and collected by any one of the commissioners in his own name, adding thereto the name of commissioner, without other words of designation, in any court of competent jurisdiction in the county in which such offence shall have been committed.

5. *And be it enacted*, That all fines and costs that may be received and collected under the provisions of this act shall belong to and be paid into the treasury of the State board of agriculture of this State, to defray the costs and expenses incident to the enforcement of this act and for the general purposes of the said board. Said expenses to include such reasonable allowance to said commissioners for their services in the premises as may be made by the said executive committee of the said State board of agriculture.

6. *And be it enacted*, That this act shall take effect immediately.

[NOTE.—This law was drafted by a committee of the New Jersey State Horticultural Society, and unanimously adopted at the meeting held in January, 1894. It was then presented to the State legislature

by the legislative committee of the society, but, although it received strong support, it was defeated by a tie vote. The main objection to it in discussion appeared to be, as I am informed by Prof. J. B. Smith, the fear that the law would place too much power in the hands of persons who might or might not use it with good judgment. At the time of this writing it is expected that the law will pass during the present session.—L. O. H.]

COLORADO.

An act to create State and county boards of horticulture; define their duties and compensation; to protect and promote the horticultural interests of the State, and to repeal an act to establish a bureau of horticulture, approved March 8, 1883.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. That a State board of horticulture is hereby created, which shall consist of six members, etc.

* * * * * * *

SEC. 4. For the purpose of preventing the spread of contagious diseases among fruit and fruit trees, and for the prevention, treatment, cure, and extirpation of fruit pests and diseases of fruit and fruit trees, and for the disinfection of grafts, scions, orchard débris, empty fruit boxes and packages, and other suspected material or transportable articles dangerous to orchards, fruit, or fruit trees, said board shall make such regulations for the inspection and disinfection thereof, which regulations shall be circulated in printed form by the board among the fruit growers and fruit dealers of the State, and shall be published in at least three issues of a paper of general circulation in the horticultural counties of the State. Such regulations so published shall be held to impart notice to all persons within this State, and shall be binding on all persons.

SEC. 5. Whenever a petition is presented to the board of county commissioners of any county, signed by fifteen (15) freeholders and possessors of an orchard, or both, stating that in their opinion a necessity exists for protecting the horticultural interests of said county, diminishing and destroying fruit pests and diseases injurious to fruit trees, plants, vines, and shrubs, the said county commissioners shall appoint three (3) competent and experienced practical horticulturists, who shall be known as the county board of horticulture of such county.

Said county board shall be auxiliary to the State board in the extermination of fruit pests and diseases injurious to fruit, fruit trees, shrubs, and vines, and to promote the horticultural interests of the State. The members of said board shall hold office for two years, or until their successors are appointed, and serve without pay.

They shall select from their number one president and secretary, and shall hold their meetings as often as they may deem advisable.

Said board shall appoint a competent, experienced horticulturist, a person who shall be known as the county inspector. Said inspector shall receive three (3) dollars per day and ten (10) cents per mile for each mile necessarily traveled when in the performance of his duties, to be paid out of the county treasury, but his total compensation for one year shall not exceed two hundred (200) dollars. Said county commissioners shall fill any vacancy that may occur in said board.

SEC. 6. If, upon the report of the county boards of horticulture, or from well-attested facts otherwise before it, said board shall be of the opinion that any locality, orchard, district, or place is infested with fruit pests, or infected with contagious disease injurious to trees, plants, or fruits, and liable to spread to other localities to the injury of other persons or places, said board shall, by an order entered upon its minutes, so declare, and such infected orchard, nursery, section, or places shall be under the quarantine regulations of the board. As soon, however, as in the opinion of said county board of horticulture the damage from such locality has

ceased, they may suspend such quarantine regulations, and shall immediately report the fact to the State board, who may approve or disapprove such action.

SEC. 7. It shall be the duty of the county board of horticultural commissioners in each county, whenever they shall deem necessary, to cause an inspection to be made of any orchard, nursery, or trees, or any fruit-packing house, storeroom, or sales room, or any other place within their jurisdiction, and if found infested with pests or diseases injurious to fruits and fruit trees, vines, and plants, they shall notify the owner or owners, person or persons in charge or possession of the trees or place as aforesaid, that the same or any of them are infected with insects, or their eggs, or larvæ, and they shall require such person or persons to disinfect the same within a certain time, to be specified in said notice. If within such time such disinfection has not been accomplished, the said person or persons shall be required to make application of such treatment for the purpose of destroying them as the said commissioners shall prescribe. Said notices may be served upon the person or persons owning or having charge of such infected trees or places or articles aforesaid, by any commissioner, or by any one deputized by them, or they may be served the same as summons in a civil action. If the owner or owners, person or persons in charge or possession of orchard or nursery, trees or places, or articles infested with said insects, or any of them, their larvæ or eggs, after having been notified as above by said board to destroy the same or make application of treatment as directed, shall fail, neglect, or refuse so to do, he or they shall be guilty of maintaining a public nuisance, and shall be punished by a fine, finable in a sum not less than five (5) nor more than one hundred (100) dollars; and any such orchards, nurseries, trees, or places or articles thus infected after such conviction shall be adjudged and the same is hereby declared a public nuisance, and may be proceeded against as such.

If defendant be found guilty, the court in its judgment shall order the said county board of horticultural commissioners to abate the same, and the expense thus accrued shall be taxed up as costs against the defendant.

The district and county courts shall have jurisdiction in such cases.

SEC. 8. It shall be the duty of every owner, possessor, or occupier of an orchard, nursery, or land where fruit trees are grown within this State, or any importer of trees, shrubs or vines, to disinfect, as may be directed by the county boards of horticulture all fruit trees grown on such lands infested with any insect or insects or the germs thereof, or infected with any contagious disease known to be injurious to fruit or fruit trees, shrubs, or vines before the removal of the same from said premises for sale, gift, or distribution or transportation.

SEC. 9. In counties not having a county board of horticultural commissioners, the State board shall possess the same powers and perform the same duties as devolve upon the county board.

SEC. 10. The State board shall have power to authorize the holding of State horticultural exhibitions (etc.).

* * * * * * *

SEC. 15. In the opinion of the general assembly an emergency exists; therefore this law shall be in force and effect from and after its passage.

Approved, April 5, 1893.

Regulations established by the Colorado State Board of Horticulture for the inspection and disinfection of grafts, scions, orchard débris, empty fruit boxes and packages and other suspected material or transportable articles, dangerous to orchards, fruit, or fruit trees, in compliance with section 4 of an enactment by the general assembly of the State of Colorado, entitled "An act to create State and county boards of horticulture; define their duties and compensation; to protect and promote the horticultural interests of the State."

ARTICLE 1. It shall be the duty of every owner, possessor, or occupier of an orchard, nursery, or land where fruit trees are grown within this State, to disinfect all fruit trees grown on such lands infested with any insect or insects, or the germs thereof, or infected with any contagious disease known to be injurious to fruit or fruit trees,

before the removal of the same from such premises for sale, gift, distribution, or transportation.

Fruit boxes which have been used for shipping fruit to any destination are hereby required to be disinfected previous to their being used for any purpose.

All boxes returned to any orchard, storeroom, sales room, or any place used or to be used for storage, shipping, or any other purpose, must be disinfected within three days after their return.

All packages known as free packages must be destroyed or disinfected before being used again.

ART. 2. It shall be the duty of the owner, lessee, or occupier of any orchard within this State to gather all fruit infested by the insects known as the codling moth, peach moth, red spider, plum weevil, or kindred noxious insects, their larvæ or pupæ, which has fallen from the tree or trees, as often as once a week, and dispose of or destroy the same in such manner as to effectually destroy all such insects, their larvæ or pupæ.

It shall be the duty of county inspectors of fruit pests to inspect fruit packages and all trees and plants, cuttings, grafts, and scions known or believed to be infested by any insect or insects or the germs thereof, or their eggs, larvæ, or pupæ, injurious to fruit or fruit trees, or infected with any disease liable to spread contagion, imported or brought into this State from any foreign country or from any of the United States or Territories; and if, upon inspection, such trees, plants, cuttings, grafts, scions, or fruit packages are found to be infested or infected, the same shall not be offered for sale, gift, distribution, or transportation unless they shall be first disinfected.

ART. 3. Every person shipping fruit trees, scions, cuttings, or plants from any orchard, nursery, or other place where they were grown or produced, shall place upon or securely attach to each box, package, or parcel containing such fruit trees, scions, cuttings, or plants a distinct mark or label, showing the name of the owner or shipper and the locality where produced; and any person who shall cause to be shipped, transported, or removed from any locality declared by the State board of horticulture to be infested with fruit tree or orchard pests, or infected with contagious diseases injurious to trees, plants, or fruits, unless the same shall have been previously disinfected, shall be proceeded against according to law.

When disinfected, the fact shall be stamped upon each box, package, or separate parcel of fruit trees, scions, cuttings, or plants; and any person who shall cause to be shipped, transported, or removed, any such box, parcel, or package from a quarantine district or locality not bearing such stamp, or who shall falsely cause such stamp to be used, or shall imitate or counterfeit any stamp, or device for such purpose, shall be proceeded against according to law.

ART. 4. It shall be the special duty of each county inspector to see that the provisions of these regulations are put in force and effect within his jurisdiction and all offenders punished according to law.

ART. 5. All fruit trees infested by any insect or insects, their germs, larvæ, or pupæ, or infected by any disease known to be injurious to fruit or fruit trees, and liable to spread contagion, must be cleaned or disinfected before the first day of May, 1893, and on or before the first day of April of every succeeding year thereafter. All owners or occupants of land shall comply with the provisions of this section.

All fruit packages, trees, plants, cuttings, grafts, and scions that shall not be disinfected within twenty-four hours after notice by the county inspector of fruit pests or the county board of horticulture, shall be liable to be proceeded against as a public nuisance.

ART. 6. The county inspector in each county shall, whenever it may be deemed necessary, make an inspection of any orchard, or trees, plants, vines, or fruits, or any fruit-packing house, storeroom, salesroom, or any other place or article in his jurisdiction, and if found infested with scale insects or codling moths, or other pests

injurious to fruit, plants, trees, or vines, or with their eggs or larvæ, he shall notify the owner or owners or person or persons in charge or in possession of said places, or orchards or nurseries, trees or plants, vines, fruit, or articles as aforesaid, that the same are infested with said insects or other pests, or any of them, or their eggs or larvæ, and he shall require such person or persons to eradicate or destroy them, the said insects or other pests, or their eggs or larvæ, within a certain time to be specified by him. Should such owner or owners, person or persons in charge or possession of orchard or nursery trees, or places or articles infested with said insects, or any of them, their larvæ or eggs, after having been notified as above by said county inspector or county board of horticulture, or the State board of horticulture, to destroy the same or make application of treatment as directed, shall fail, neglect, or refuse so to do, then proceedings shall be taken against such person or persons for maintaining a public nuisance, as provided by law. Whenever any such nuisance shall be found to exist at any place within the jurisdiction of any county inspector or on the property of any nonresident, or on any property, the owners of which can not be found by the county inspector after diligent search within the county, or upon the property of any owner or owners upon which notice aforesaid has been served, and who shall refuse or neglect the same within the time specified, it shall be the duty of the county inspector, acting under the orders of the county board of horticulture, or State board of horticulture, to cause such nuisance to be at once abated by eradicating or destroying said insects or other pests, or their eggs or larvæ, and shall make an expense bill thereof and present same to board of county commissioners for payment.

ART. 7. Disinfection, as provided by these regulations, shall be to the satisfaction of the county board of horticulture having jurisdiction.

ART. 8. Any person or persons or corporation violating any of these regulations shall be proceeded against according to law.

Passed at a meeting of the board of horticulture held at the secretary's office, in Denver, Colorado, this the 8th day of April, 1893.

W. B. OSBORN, *President, Loveland.*
JOHN TOBIAS, *Secretary, Denver.*
C. W. STEELE, *Grand Junction.*
DAVID BROTHERS, *Wheat Ridge.*
W. S. COBURN, *Paonia.*
Members Colorado State Board of Horticulture.

BRITISH COLUMBIA.

CHAPTER XX.

An act to consolidate and amend the acts respecting the Provincial Board of Horticulture.

Her Majesty, by and with the advice and consent of the legislative assembly of the Province of British Columbia, enacts as follows:

SECTION. 1. This act may be cited as the "Horticultural board act, 1894."

SEC. 2. There is hereby created a provincial board of horticulture, to consist of two ex-officio members, viz, the minister of agriculture and the statistician (who shall act as secretary of the board) and five members, who shall be appointed by the lieutenant-governor in council, one from each of the horticultural districts which are hereby created, to wit:

[Enumeration of districts.]

SEC. 3. The members shall reside in the districts for which they are appointed; they shall be selected with reference to their study of and practical experience in horticulture and the industries dependent thereon; they shall hold office for a term of four years, and until their successors are appointed and qualified; but any retiring member of the board shall be eligible for reappointment: *Provided, however*, that three of the board first appointed (to be determined by lot) shall retire at the expira-

tion of two years. All vacancies in the board shall be filled by appointment of the lieutenant-governor in council, and shall be for the unexpired term.

SEC. 4. The lieutenant-governor in council may appoint a treasurer of the board, who shall give a bond to the lieutenant-governor in council, with two or more sufficient sureties, in the sum one thousand dollars for the faithful performance of his duties. The treasurer shall hold his appointment at the pleasure of the lieutenant-governor in council. Before entering upon the discharge of his duties, each member of the board shall take and subscribe to an oath of allegiance, and to faithfully discharge the duties of his office, which said oath shall be filed with the provincial secretary.

SEC. 5. The board shall receive, manage, use, and hold donations and bequests of money and property for promoting the objects of its formation; it shall meet in the months of April and October of each year, and as much oftener as it may deem expedient, for the consultation on and for the adoption of those measures that will best promote the horticultural industry of the province; it may, but without expense to the province, select and appoint competent and qualified persons to lecture in each of the districts named in section two of this act, for the purpose of encouraging and improving practical horticulture, and imparting instruction in the best methods of treating diseases of fruits and fruit trees, cleaning orchards, and exterminating orchard pests.

SEC. 6. The office of the board shall be located at the Department of Agriculture; it shall be kept open to the public, subject to the rules of the board, every day except Sundays and public holidays, and shall be in the charge of the secretary during the absence of the board.

SEC. 7. For the purpose of preventing the spread of contagious diseases in orchards and gardens and among fruit and fruit trees, and for the prevention, treatment, cure, and extirpation of fruit pests and the disease of fruits and fruit trees, and for the disinfection of grafts, scions, or orchard débris, empty fruit boxes, or packages and other suspected material or transportable articles dangerous to orchards, fruits, and fruit trees, said board may make regulations for the inspection and disinfection, or destruction thereof, or of nonfruit-bearing trees or shrubs which may carry contagion, and also for requiring all cases of contagious diseases, or fruit pests, as aforesaid, to be reported to the board, which regulations shall be circulated in printed form by the board, among the fruit growers and fruit dealers of the province, and shall be published in the British Columbia Gazette, and, at the discretion of the board, in papers of general circulation in the province, and shall be posted in three conspicuous places in each district, one of which shall be a court-house therein; and every such regulation, when published in the British Columbia Gazette, shall, so far as the same shall not have been in like manner repealed or varied, be deemed to be and have the force of law, and be so recognized in all courts in the province.

(*a*) In and by such regulations the board may fix and impose any fine or penalties for the enforcement of the provisions thereof not exceeding in amount the fines and penalties hereinafter provided in case of the evasion of any of the provisions of this act.

(*b*) All fines and penalties imposed by any such regulations shall be recovered with costs upon summary conviction before any justice of the peace, in accordance with the provisions of the "Summary convictions act, 1889," and when collected shall be paid over to the treasurer of the board for the purposes of this act.

SEC. 8. The lieutenant-governor in council shall appoint, from the number of the board or from without their number, to hold office at the pleasure of the lieutenant-governor in council, a competent person, especially qualified by practical experience in horticulture, who shall be known as "Inspector of fruit pests." It shall be the duty of said inspector to visit the horticultural districts of the province to see that all the regulations of said board be made known to the people of the province, and to enforce this act and the said regulations in the manner therein or in the act pre-

scribed. The inspector shall, from time to time and whenever required by the board, report to it such information as he may secure from observation, experience, and otherwise, as to the best method of diminishing and eradicating fruit pests and diseases from orchards, and also suggestions as to practical horticulture, the adoption of produce suitable to soil, climate, and markets, and such other facts and information as shall be calculated to advance the horticultural interests of the province. The inspector shall, from time to time, under the direction of the board, hold meetings throughout the province in the interests of horticulture, and impart such information and instruction to fruit growers and farmers as may tend to the improvement and expansion of the fruit industry of the province.

SEC. 9. Any member of the board, their inspector or agent, upon the complaint of interested parties, or upon his own motion, may inspect or cause to be inspected, fruit, trees, plants, grafts, scions, nursery stock of all descriptions, orchard débris, empty fruit boxes or packages, and other material, orchards, nurseries, and other places, suspected or believed to be infested with fruit pests, or infected with contagious diseases injurious to trees, plants, or fruits, and for the purposes thereof he shall have full power and authority to enter in and upon any farm, orchard, nursery, or garden, or any barn, warehouse, storehouse, shop, or other place or building, and if he shall find that the said fruit, trees, plants, grafts, scions, nursery stock of all description, orchard débris, empty fruit boxes or packages, and other material, orchards, nurseries and other places are infested with fruit pests, or affected with contagious diseases injurious to trees, plants, or fruits, as aforesaid, such member or inspector or agent shall notify, in writing, the owner or person having charge of such premises or property, within a time to be prescribed in such notice, to treat and disinfect said premises or property in the manner presented in such notice; and such property shall not be removed after the owner or person in charge of the same shall have been notified in writing, as aforesaid, without the written permission of a member of the board or the inspector; and if the person so notified shall neglect or refuse to treat and disinfect the said premises or property, in the manner and within the time prescribed in the said notice, such person shall be deemed guilty of a violation of this act; and if it appears on the trial that any orchard, trees, nursery, building, or any other structures, premises, or property in charge of or belonging to the defendant referred to in said notice, or any part of such structures, premises, or property, is infested or affected as aforesaid, the court may order whatsoever of the same is so infested or affected to be disinfected or destroyed within a time to be mentioned in said order, or may make any other order that it shall deem fit: and if such order be not obeyed within the time therein specified, it shall be the duty of the board, or of some member thereof, or of their inspector or agent, to execute such order, and the costs and disbursements of the prosecution shall be adjudged against the party convicted as aforesaid.

(*a*) In case, upon inspection as herein provided, the member of the board, inspector, or agent finds any of the premises to be infested with fruit pests or affected with contagious disease, but is unable to take the proceedings herein provided by reason of there being no person in charge, or either the owner or his whereabouts being unknown, he shall be at liberty to cause the same to be disinfected, and the costs and expenses thereon shall be a lien upon the property, which may be enforced by seizure and sale of a sufficient quantity thereof to satisfy the same: Provided, however, that no property shall be destroyed under this subsection until an order therefor has been obtained from a justice of the peace, which order any justice is hereby authorized to make upon proof of the urgency of the case or of reasonable efforts having been made to ascertain the owner or person who should be in charge of the infected property.

SEC. 10. It shall be the duty of the secretary to attend all meetings of the board, and to procure records of the proceedings and correspondence, to collect books, pamphlets, periodicals, and other documents containing valuable information relat-

ing to horticulture, and to preserve the same; to collect statistics and other information showing the actual condition and progress of horticulture in this province and elsewhere; to correspond with agricultural and horticultural societies, colleges, and schools of agriculture and horticulture, and other persons and bodies, as he may be directed by the board; and prepare, as required by the board, reports for publication.

SEC. 11. The treasurer shall receive all moneys belonging to the board, and pay out the same only for bills approved by it, and shall render annually a detailed account to the board of all receipts and disbursements.

SEC. 12. The board shall annually, in the month of January, report to the minister of agriculture a statement of its doings and any regulations made under this act, with a copy of the treasurer's account for the year preceding, and abstracts of the reports of the inspector of fruit pests, and of the secretary; and such reports shall be laid before the legislative assembly immediately, if it be in session, or, if not, within fifteen days after the opening of the next session thereof. The members of the board shall receive as compensation for their services their mileage actually paid out when attending the meetings of the board, and shall be allowed a sum not exceeding five dollars a day for time actually employed, to be fixed by the lieutenant-governor in council.

SEC. 13. The said board shall, when making its annual statement, report to the minister of agriculture what, if any, legislation is needed in aid of the horticultural and fruit-growing interests of the province.

SEC. 14. The powers and duties devolving by this act upon the said board and the inspector of fruit pests, in relation to fruit and fruit trees, shall extend to hops and hop plants for the purpose of preventing the spread of disease among hops and hop plants, and of extirpating any pests affecting the same.

SEC. 15. Every person violating the provisions of this act shall be liable, upon summary conviction before one justice of the peace, to a penalty not exceeding fifty dollars.

SEC. 16. The "Horticultural board act, 1892," and the "Horticultural board act (1892) amendment act, 1893," are hereby repealed, and the foregoing provisions substituted in lieu thereof.

PROVINCIAL BOARD OF HORTICULTURE.

[Rules and regulations made and published under authority of section 7 of the "Horticultural board act, 1894."]

Title.

SECTION 1. These regulations may be cited as the "Horticultural regulations, 1894."

Definition of pests.

SEC. 2. In these regulations the word "pests" shall mean and include woolly aphis, apple-tree aphis, scaly-bark louse, oyster-shell bark louse, San José scale, red scale, borers, codlin moths, currant worms, or other known injurious insects, and all fungous diseases.

Notification of the presence of pests.

SEC. 3. All nurserymen, fruit growers, and all persons owning, occupying, or managing an orchard, garden, or nursery infested with any pest shall notify the member of the board for the district in which such orchard, garden, or nursery is located, or the secretary or inspector, or the agent of the board in the district, of the fact that such orchard, garden, or nursery is so infested.

Inspection of nursery stock.

SEC. 4. All dealers, nurserymen, or persons importing, selling, or distributing nursery stock, trees or plants, for which no clean certificate is in force, shall, before distributing or offering for sale any article above mentioned, notify the member of

the board, his agent, or representative in whose district any such article is found, or the secretary of the board, or the inspector of fruit pests, who shall inspect, or cause to be inspected, such nursery stock, trees, or plants, and if they are found to be free from pests shall issue a certificate to the owner or person in charge, stating that said articles appear to be free from pests. Such certificate shall be in force for three months from date of issue unless revoked by further inspection.

Disinfection of nursery stock, trees, and plants.

SEC. 5. All persons owning or having in their possession nursery stock, or trees and plants of any kind, infested with insect pests or fungous disease, shall cause the same to be disinfected and cleansed by using the remedies herein prescribed, or such other insecticides and fungicides as may be found effective and are approved of by a member of this board or the inspector of fruit pests, and no such infested nursery stock, trees, or plants shall be sold, forwarded, distributed or parted with until a certificate of the satisfactory cleansing thereof shall have been obtained from a member of this board, or his agent, or the inspector of fruit pests.

Inspection of imported fruit.

SEC. 6. All importers of fruit must give notice to a member of the board of horticulture, or his agent, or the inspector of fruit pests, upon the arrival of any and all shipments of fruit; and all fruit and fruit packages imported into this province shall be inspected, and if found to be free from insect pests and fungous disease a clean certificate shall be issued therefor in conformity with the rules and regulations of the provincial board of horticulture: *Provided, however*, That no fruit or fruit packages imported into this province shall be removed from any dock, wharf, mole, or station where such fruit or fruit packages have been landed, before inspection and such clean certificate thereof shall have been obtained, and all such fruit and fruit packages as may be found infested with any insect pest or fungous disease shall be either destroyed by the importers thereof by such process as any member of this board, the inspector of fruit pests, or any agent appointed by this board may direct, or shall be reshipped by the importers thereof to the country from whence such infested fruit was exported.

Inspection of imported and home-grown fruit.

SEC. 7. All fruit, whether imported or grown in this province, or exposed for sale, shall be subject to inspection under the authority of this board, and if found to be infected with any injurious insect pest or the larvæ thereof, shall be quarantined or may be destroyed at the expense of the owner of said fruit by such methods as this board or its agents may direct.

Labeling.

SEC. 8. All persons shipping, sending, or delivering any fruit, fruit trees, scions, cuttings, or plants within the province, shall place upon or securely attach to each box, crate, or other package or parcel containing the same a distinct stamp, mark, or label showing the name of the producer and the shipper or sender, and the locality where grown.

Treatment of nursery stock.

SEC. 9. All infected nursery stock shall, before being distributed, be disinfected by dipping in a solution of one pound caustic soda (concentrated lye) and one pound whale oil soap to every five imperial gallons of water, thoroughly dissolved, and applied at one hundred and three degrees Fahrenheit, in a vat or any suitable vessel, or the said nursery stock may be disinfected by covering with an air-tight tent or box, and for each and every one hundred cubic feet of space therein one ounce of fused cyanide of potassium (fifty-eight per cent), one fluid ounce of sulphuric acid,

and two fluid ounces of water shall be used. The cyanide of potassium shall be placed in an earthenware vessel, the water poured over the said cyanide of potassium, afterwards adding sulphuric acid, and the tent or box to be immediately closed tightly and allowed to remain closed for not less than forty minutes. Treatment for disinfection shall continue until all insect pests or their larvæ are destroyed.

Remedies.

[Here follows a lengthy enumeration of remedies as section 10.]

Summer spraying.

SEC. 11. Where pests or fungus diseases are found to exist during the growing season, while the trees are in leaf, spraying must be done and such remedies applied as shall be recommended by or under authority of the board from time to time, so that the insects or diseases can at least be held in check until the stronger washes of the dormant season can be safely applied.

Destruction of packages.

SEC. 12. All boxes, crates, or other packages or wrappings which have contained infected nursery stock shall be destroyed by fire immediately after the removal of the contents thereof.

Hop fields.

SEC. 13. Where hop fields are infested with the hop louse, spraying must be done as the board from time to time shall recommend.

Penalties.

SEC. 14. Every person violating the provisions of the "Horticultural board act, 1894," or the rules and regulations adopted by the provincial board of horticulture is liable, upon summary conviction before a justice of the peace, to a penalty not exceeding fifty dollars for each offense.

Repealing former rules and regulations.

SEC. 15. All rules and regulations heretofore adopted and published under the authority of the horticultural board acts of 1892, 1893, and 1894 are hereby repealed and the foregoing rules and regulations substituted in lieu thereof.

Recommendations.

Horticultural and agricultural societies and all those interested in advancing and protecting the interests of fruit growing are requested to cooperate with the provincial board of horticulture in the enforcement of the provisions of the "Horticultural act" and the regulations thereunder as adopted by this board.

Correspondence.

All correspondence relating to the extirpation of fruit pests should be addressed to the inspector of fruit pests or the member of the board whose district may be affected. Correspondence relating to other matters should be addressed to the secretary of the board.

By command:

J. R. ANDERSON,
Secretary.

OFFICE OF THE PROVINCIAL BOARD OF HORTICULTURE,
Victoria, October 4, 1894.

Proposed amendments—Honorable Minister of Agriculture.

BILL.

No. ——.] [1894-95.

An act to amend the "Horticultural board act, 1894."

Her Majesty, by and with the advice and consent of the legislative assembly of the Province of British Columbia, enacts as follows:

SECTION 1. This act may be cited as the "Horticultural board amendment act, 1894."

SEC. 2. The electoral districts mentioned in section 2 of the "Horticultural board act, 1894," are those existing before the passing of the "Legislative electorates and elections act, 1894."

SEC. 3. Section 7 of the said act is hereby amended by inserting therein immediately before subsection (*a*) the following as clause (2):

"(2) The power to make regulations for inspection shall include the power to establish and vary places and quarantine stations where such inspection shall be carried out and to make regulations in regard to the forwarding thereto and detention thereat of articles requiring inspection."

SEC. 4. Said section 7 is also further amended by adding to subsection (*a*) thereof the following: "And may fix a scale of fees to be taken, for inspection or other services under the regulations by officers carrying out the same, from the owners or persons in possession of any premises or property;" and by inserting in the first line of subsection (*b*), after the word "imposed," the words "of fees authorized."

All constables or other peace officers shall, when called upon by any member of the board or any authorized agent thereof, aid and assist such member or agent in carrying out the provisions of this act.

MISSOURI.

EMERGENCY LAWS AGAINST THE ROCKY MOUNTAIN LOCUST OR WESTERN GRASSHOPPER.

An act to encourage the destruction of grasshoppers.

Be it enacted by the general assembly of the State of Missouri, as follows:

SECTION 1. Any person who shall gather, or cause to be gathered by any person in his employ, eggs of the Rocky Mountain locust or grasshopper, at any time after they are deposited in the earth in the autumn of any year and before they are hatched the following spring, shall be entitled to a bounty of five dollars for each and every bushel of eggs thus gathered; or for any quantity less than one bushel, bounty at the same rate, to be paid one-half by the State and one-half by the county in which they are gathered.

SEC. 2. Any person who shall gather, collect, and kill, or cause to be so collected and killed, young and unfledged grasshoppers in the month of March shall be entitled to a bounty of one dollar for each bushel, and for the month of April fifty cents per bushel, and for the month of May twenty-five cents per bushel, to be paid in the same manner as in the preceding section.

SEC. 3. Any person claiming bounty under this act shall produce the eggs and grasshoppers thus gathered or killed, as the case may be, before the clerk of the county court in which such eggs or grasshoppers were gathered or killed within ten days thereafter, whereupon said clerk shall administer to such person the following oath or affirmation: You do solemnly swear (or affirm, as the case may be) that the eggs (or grasshoppers, as the case may be) produced by you were taken and gathered by you, or by person or persons in your employ, or under your control, and within this county and State.

SEC. 4. The clerk shall forthwith destroy such eggs by burning the same, and give to the person proving up the same, under his hand and seal, a certificate setting

forth in a plain handwriting, without interlineation, the amount of eggs or grasshoppers produced and destroyed by him and the name and residence of such person producing the same, which certificate shall be in the following form:

STATE OF MISSOURI, *County of* ———:

This is to certify that ———, in the county of ———. A. B. did this day prove before me that he had gathered, or caused to be gathered, —— of eggs, —— grasshoppers, and is entitled to the sum of ——— dollars, and —— cents.

Given under my hand and seal of my office this —— day of ———, A. D. 18—.

A. B., *Clerk County Court.*

Which certificate shall be received and taken by the collector of revenue of the county in which the same was given, and such collector shall be allowed pay out of the county and State treasury, one-half from each.

SEC. 5. Such clerk shall keep a register of all such certificates given by him, in a book which he shall keep for that purpose, in which he shall note down every certificate granted by him, the number and amount, and to whom granted, and transmit a certified copy of such register, under seal of the court, to the treasurer of the State, who shall not allow and pay any certificate which does not correspond with such register.

SEC. 6. Such clerk shall receive for his services as aforesaid one dollar for such certified copy of the register, and the regular fee for the certificate and seal, and ten cents for each certificate granted under this act, all to be paid out of the treasury of his county.

SEC. 7. As the object of this act is the rapid destruction of the locust the ensuing spring, it shall take effect and be in force from and after its passage.

Approved February 23, 1877.

KANSAS.

An act to provide for the destruction of grasshoppers, and to punish for violation of this act.

Be it enacted by the legislature of the State of Kansas:

SECTION 1. That the township trustees of the different townships, and the mayors of cities which are not included in any township of any county within this State, are hereby authorized, and it is made their duty, when so requested in writing by fifteen of the legal voters of the township or city, to issue orders to the road overseers of the different road districts within their respective townships or cities, to warn out all able-bodied males between the ages of twelve and fifty years within their respective districts, for the purpose of destroying locusts or migratory insects.

SEC. 2. It shall be the duty of road overseers, immediately after receiving said orders, to proceed at once to warn out all persons liable under section 1 of this act giving notice of the time and place of meeting, and the tools to be used, and the kind of work expected to be performed, and all work shall be done and performed under the direction of the road overseers.

SEC. 3. Any persons over eighteen years of age, warned out as provided in this act, may pay the road overseer the sum of one dollar per day for the time so warned out, and in case any persons shall fail to perform labor under this act, or paying the sum of one dollar when so warned out, shall be adjudged guilty of a misdemeanor, and on conviction shall be fined the sum of three dollars for each day so failing or refusing, and the moneys so collected shall be expended by the road overseers in the destruction of grasshoppers in their respective road districts.

SEC. 4. For the purpose of carrying out the provisions of this act the road overseer is authorized to enter upon the premises of any person lying within the township where each order of the township trustee is in force with a sufficient number of hands and teams to perform such labor as he may deem necessary for the public good.

SEC. 5. It shall be the duty of the secretary of the State Board of Agriculture, immediately after the passage of this act, to compile, in circular form, all information relating to the manner and means heretofore used for the extermination of grasshoppers, and send at least ten copies of the same to each township trustee in the State.

SEC. 6. This act shall take effect and be in force from and after its publication once in the Commonwealth.

Approved March 6, 1877.

An act providing for a concert of action by senatorial districts for the destruction of grasshoppers.

Be it enacted by the legislature of the State of Kansas:

SECTION 1. That in any senatorial district in the State of Kansas where trouble is anticipated from the ravages of young grasshoppers in the year 1877, and any subsequent year thereafter, it shall be lawful for the counties in said senatorial district to cooperate together, in the way and manner herein provided, for the destruction of the same.

SEC. 2. The chairman of the board of county commissioners in the county having the largest number of inhabitants in a senatorial district, where two or more counties form said district, may notify the chairman of each of the boards of county commissioners of the remaining counties in said district of the time and place where the chairman of the several boards of commissioners of the respective counties forming said senatorial district shall hold a joint meeting.

SEC. 3. At such meeting two of their number shall be chosen to act as chairman and secretary, and the proceedings of the meeting shall be published in all the newspapers printed in the senatorial district.

SEC. 4. Said meeting shall designate the manner of procedure by the road overseers, and what day or days the young grasshoppers should be driven from the cultivated land on the unburnt prairie or places of destruction, and shall also designate on what day or days the grasshopper shall be destroyed, by burning or otherwise, in said senatorial district, giving at least ten days' notice of the same by publishing in the newspapers of the said district.

SEC. 5. The board of commissioners of each county shall notify the road overseers of said county of the time fixed upon by the joint meeting for the driving and burning, or destroying by other means, of the grasshoppers in the district; said notice to be given to said overseers as soon as practicable after the same shall have been determined by the joint meeting.

SEC. 6. Said road overseers shall immediately notify the residents of his road district of the time designated and the manner of procedure, in order to carry out the provisions of this act. He shall also specify what tools or implements will be required of each resident in performing the labor required of him, and such notice may be enforced the same as in the acts authorizing road overseers to warn out the residents to perform road labor; and a refusal shall subject such persons refusing to the same penalties as are provided by law in such cases.

SEC. 7. The road overseers shall direct the manner of performing the labor, and have the supervision of the same, and shall keep a list of the names of those who shall perform labor, and shall certify the number of days' work performed by each, and shall place such certified list in the possession of the board of county commissioners of his county.

SEC. 8. It shall be lawful for two or more senatorial districts to cooperate together under the provisions of this act, on a basis of action which they may agree upon.

SEC. 9. This act shall take effect and be in force from and after its publication in the Daily Commonwealth.

Approved March 7, 1877.

MINNESOTA.

An act to provide for the destruction of grasshoppers and their eggs.

Be it enacted by the legislature of the State of Minnesota:

SECTION 1. There shall be paid by this State, out of any moneys in the treasury thereof not otherwise appropriated, to any person or persons living within any of the counties in said State afflicted by grasshoppers, the following bounties for catching and destroying of the same, and the destruction of their eggs:

SEC. 2. The sum of one dollar per bushel for grasshoppers caught previous to the 25th day of May next; the sum of fifty cents per bushel from the said 25th day of May to the 10th day of June; the sum of twenty-five cents per bushel from the said 10th day of June to the 1st day of July, and twenty cents per bushel from the said 1st day of July to the 1st day of October next.

SEC. 3. There shall also be paid in the same manner the sum of fifty cents per gallon for any and all grasshopper eggs taken and destroyed by any person or persons.

SEC. 4. There shall be appointed by the governor a competent person in each township in the several counties so afflicted by grasshoppers, who shall be a resident of the township for which he shall be appointed, to receive, measure, and destroy the grasshoppers and their eggs delivered to him by any person or persons catching and taking the same, which said person so appointed shall take and subscribe an oath for the faithful discharge of his duties, which oath, together with the certificate of appointment, shall be filed in the office of the county auditor, and he shall receive as compensation for his services such sum as the county commissioner may determine, to be paid out of the funds of the county; and in case of necessity, when he can not perform the duties of his office, said measurer shall have authority and be empowered to appoint a suitable and competent person his assistant, which assistant shall be required to take and subscribe the same oath and be subject to the same penalties as the said measurer.

SEC. 5. The person receiving and measuring the grasshoppers and their eggs as aforesaid shall measure and immediately and effectually destroy the same, and keep an exact account of all the grasshoppers and their eggs received by him, and the names of the persons delivering the same, and shall issue a certificate for the amount of grasshoppers and their eggs to the person delivering the same. And he shall, at the end of each week, after commencing to receive and measure the same, and on the 2d day of June, on the 11th day of said month, on the 2d day of July, and on the 2d day of October next, make a report to the county auditor of all the grasshoppers and their eggs measured by him, the number of certificates issued, and the names of the persons to whom he issued the same; and the county auditor shall examine the same and file it in his office, which report shall be subject to public inspection; and the county auditor shall, at the end of each week, after he shall have received the first of said reports, transmit a copy of the said reports to the governor, who shall, as soon as the sum hereby appropriated shall have been expended in the payment of said bounties, notify all persons interested therein of such fact by a publication of such notice in some newspaper printed and published at the city of Saint Paul, in said State of Minnesota, for three successive days.

SEC. 6. For a failure on the part of said measurer to perform any of his duties under this act, or of any mismeasurement of such grasshoppers and their eggs, he shall be deemed guilty of a misdemeanor, and be subject to pay a fine of not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail for a term of not less than thirty nor more than ninety days, in a suit or proceeding to be prosecuted in the name of the State of Minnesota, in the same manner as is provided by law in other cases of misdemeanor.

SEC. 7. Upon the presentation of such certificate to the county auditor he shall issue a certificate to the person entitled thereto for the amount due him (a form of which certificate shall be furnished by the State auditor), and shall make an order

upon the State auditor for the amount thereof, and the State auditor shall draw his warrant upon the State treasurer for that amount in favor of the parties holding said certificates, which shall be paid by the State treasurer on presentation; *Provided*, That all certificates presented to the county auditor for payment shall be by him filed and preserved in his office, and he shall present such certificates to the board of county commissioners, who shall audit the same in the manner now provided by law for auditing accounts against counties; and no money shall be drawn from the State treasury until such certificates have been audited and allowed in the manner herein provided. And that no money shall be paid under the provisions of this act at any time prior to the 15th day of July, A. D. 1877, and that the money hereby appropriated shall only apply to certificates duly made and filed with the auditor of State on or before said day; that at the time after the State auditor shall ascertain the total amount of all claims and certificates so filed, and if the same shall exceed in amount the sum of one hundred thousand dollars, then the said claims shall be paid pro rata, and no other or greater amount than said sum of one hundred thousand dollars shall ever be paid under the provisions of this act: *And provided further*, That if the amount hereby appropriated is not sufficient to pay the certificates in full, the balance shall be paid by the counties respectively, according to the amount due on said certificates as issued by such county.

SEC. 8. Every male inhabitant of the several townships in the said afflicted counties, being above the age of twenty-one years and under the age of sixty years, excepting paupers, idiots, and lunatics, shall be assessed by the board of supervisors of said township to work one day in each week in said township during the period hereinbefore mentioned, for the paying of bounties, for the purpose of catching and destroying grasshoppers and their eggs, for five weeks from the time said grasshoppers shall become large enough to be taken; and the amount of work to be so assessed shall not exceed five days in all.

SEC. 9. The supervisors aforesaid shall make a list of the names of all persons against whom said tax shall have been assessed, and place in a column opposite each name on said list the amount of labor assessed against such person, and shall direct the town clerk to make a certified copy of each list, after which the town clerk shall deliver the several copies to the respective overseers of the highways of said townships.

SEC. 10. The overseers of highways shall give at least two days' notice to all persons assessed to work as aforesaid, living within the limits of their respective districts, of the time and places where and when they are to appear for that purpose, and with what implements.

SEC. 11. Every person liable to work as provided for in this act may commute for the same at the rate of one dollar per day, in which case such commutation money shall be paid to the chairman of the board of supervisors, to be applied and expended by him for the destruction of grasshoppers and their eggs, and he shall be authorized and required to hire and engage some suitable and efficient person to work in the place of said person so commuting, and to pay him the sum of one dollar per day for his services; and every person intending to commute for his assessment shall, within five days after he is notified to appear and work as aforesaid, pay the commutation money for the work required of him by said notice, and the commutation shall not be considered as made until such money is paid.

SEC. 12. Every person so assessed and notified, who shall wilfully neglect or refuse to commute or work as provided by this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, be liable to pay a fine of not less than two dollars nor more than ten dollars, or by imprisonment in the county jail not more than ten days, or both, in the discretion of the court, in a suit to be prosecuted in the name of the State of Minnesota, in the same manner as is provided by law for prosecutions of misdemeanors.

SEC. 13. There shall be appropriated, out of any moneys in the treasury of this State not otherwise appropriated, for the purpose of carrying out the provisions of this act, the sum of one hundred thousand dollars.

SEC. 14. The board of county commissioners of any county in this State afflicted by grasshoppers shall have the right, if in their judgment they see fit, to employ one or more persons in each township in said county, where such implements or mechanical contrivances as may prove most efficient to destroy the grasshoppers, from the first day of April to the first day of August in each year, paying such persons either by the day or a specified sum for the amount captured and destroyed. The compensation of such person shall be paid out of the general fund of the county: *Provided further*, That parties employed and paid by the county commissioners shall not receive any other or further compensation under the provisions of this act.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved March 1, 1877.

NEBRASKA.

An act to provide for the destruction of grasshoppers.

Whereas the State of Nebraska has for the past three years been devastated by the grasshoppers, thereby greatly injuring the agricultural and commercial interests of the State; and whereas these interests are liable to be seriously damaged in the future by the recurrence of the pests aforesaid; therefore,

Be it enacted by the legislature of the State of Nebraska:

SECTION. 1. That the supervisors of each road district in this State shall, at the time when the grasshoppers shall have been hatched out, and before the same shall become full-fledged and fly, notify each able-bodied male resident of his district, between the ages of sixteen and sixty years, to perform two days' labor at such time and at such place and in such manner as shall by said supervisors be deemed most efficient in the destruction of the grasshoppers; said notices shall be given in the same manner as is provided by law for the notice to work upon public highways.

SEC. 2. Cities of the first and second class shall be governed by the provisions of this act, and it shall be the duty of the mayor of such cities to appoint not exceeding two supervisors for each ward to oversee the labor to be performed under the provisions of this act.

SEC. 3. In case it shall appear that two days' work is not sufficient to destroy the grasshoppers in any district or ward, and it shall further appear that more time can be profitably employed in the destruction of the grasshoppers, the supervisors of each ward or road district may require from the persons liable to the provisions of this act not exceeding ten days' labor in addition to the time hereinbefore mentioned; and it shall be the duty of such supervisor to give to each person who shall have performed labor under the provisions of this section a receipt for the number of days' labor performed, and the supervisor shall upon oath report to the city or county authorities the names and amount of labor performed by each person.

SEC. 4. It shall be the duty of all persons subject to the provisions of this act to attend when notified, as herein provided, and labor under the direction of the supervisor of their respective district or ward. Any person who, after being notified, shall refuse, neglect, or fail to comply with the provisions of this act, shall forfeit and pay to the county or city treasurer, as the case may be, the sum of ten dollars, together with costs of suit, which sum shall be collected by suit before any justice of the peace within the county, in an action to be brought in the name of the city or county.

SEC. 5. The supervisor shall report, under oath, to the city or county authorities the names of all persons who shall have refused or failed to comply with the provisions of this act.

SEC. 6. This being a case of emergency, this act shall take effect and be in force from and after its passage.

LEGISLATION AGAINST FOUL BROOD.

NEW YORK.

Laws of the State of New York, passed at the one hundred and sixteenth session of the legislature. Volume I, 1893; Albany, p. 672.

SEC. 80. *The prevention of diseases among bees.*—No person shall keep in his apiary any colony of bees affected with a contagious malady known as foul brood, and every bee keeper, when he becomes aware of the existence of such disease among his bees shall destroy or cause to be destroyed forthwith all colonies thus affected. In any county any five or more actual bee keepers of the county in which foul brood exists may present to the commissioner of agriculture a petition setting forth that such disease exists, or that the petitioners have reason to believe that it exists, in such county, and the reasons of such belief, and requesting him to appoint a competent person to prevent the spread of such disease and eradicate the same.

Upon the receipt of such petition the commissioner of agriculture shall, within thirty days thereafter, appoint some well-known and competent bee keeper of the county as an agent of the commissioner, who shall hold his office during the pleasure of the commissioner of agriculture, and who shall within ten days after his appointment file in the office of the county clerk of the county an acceptance of the appointment and constitutional oath of office.

SEC. 81. *Proceedings of the agent of the commissioner.*—Upon written verified complaint of any two bee keepers of the county to such agent, setting forth the existence of the disease, or that they have good reason to believe that it exists within the county, and the grounds of such belief, designating the apiary or apiaries wherein they believe it to be, such agent shall, without unnecessary delay, examine the bees so designated. If satisfied that any colony or colonies of such bees are diseased with foul brood, he shall, without further disturbance to the bees, fix some designating mark upon each hive wherein the disease exists and immediately notify the owners of the bees, or by leaving a written notice at his place of residence, if he be a resident of the county, and if not, by leaving the same with the person in charge of such bees, requiring him within five days from the date of the notice to effectually remove or destroy such hive, with its entire contents, by burying them or by fire. The agent of the commissioner shall be allowed for his services under this section two dollars for each full day spent by him in the discharge of his official duties, which shall be a county charge.

UTAH.

An act for the protection of bee culture, and to repeal all other acts and laws relating thereto.

SECTION 1. *Be it enacted by the governor and legislative assembly of the Territory of Utah,* That it shall be the duty of the county court of each county to appoint from among the bee keepers of the county one or more suitable persons as inspectors of bees.

SEC. 2. These inspectors shall be appointed biennially, viz: On the first Monday in March of each alternate year, or at the first regular sitting of the court thereafter, and shall perform the duties of bee inspector for two years, and until their successors are appointed and qualified. Said inspectors shall qualify by taking and subscribing an official oath, and giving bonds with sureties to be approved by their respective county courts in the sum of five hundred dollars; said bonds to be filed with the clerk of said courts.

SEC. 3. In determining the fitness of a person to fill the position of inspector, the court shall be guided by the local bee keepers' association in their respective counties, and it shall be deemed lawful for any inspector, if he so desires, to invite one or more persons to assist him in prosecuting his inspections: *Provided,* That no charge is made for this voluntary service.

SEC. 4. It shall be the duty of the inspector to visit all the bees in his county or district at least once a year, and at any time, upon the complaint of any bee owner, that, in his opinion, the disease known as foul brood exists among the bees of any person, whether owner or custodian. It shall be the duty of the inspector to whom the complaint is made to immediately inspect the bees believed to be thus infected; and if such inspector finds that foul brood does exist among such bees, and the owner desires to have them treated, said inspector shall immediately take charge of and control them at the expense of the owner and give them the proper treatment for the cure of the disease. In such treatment he may destroy such portions of the bees and brood and of the hives and contents as may be necessary: *Provided*, In case the owner has any doubts about his bees being infected, and objects to their being destroyed, as in this act provided, then such fact shall be determined by arbitration, the said inspector choosing one arbitrator, and the owner of such bees another, from among the bee keepers of said county, who shall immediately inspect such bees, and determine whether or not the bees so inspected are diseased; or, when they cannot agree, they two may choose a third from among the bee keepers of said county, and the three shall proceed immediately to inspect such bees, and determine whether or not the bees so inspected are diseased.

SEC. 5. If the owner or person in charge of bees infected with foul brood shall fail to make arrangements acceptable to the inspector for his compensation, and the necessary expenses to be incurred in the treatment and cure of the bees (which shall in no case exceed three dollars per day and actual expenses), then the inspector shall immediately wholly destroy the hives and bees so infected by burning or burying the same.

SEC. 6. If any person, by threats or violence, or in any other manner, shall prevent a duly appointed bee inspector from inspecting, taking charge of, treating, or destroying bees as provided in this act, on conviction thereof before the nearest justice of the peace of the precinct in which said bees are kept, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than $5.00, nor more than $25.00 for the first offense, and for each additional offense he shall be liable to a fine not to exceed $50.00.

SEC. 7. To provide for the prosecution of the duties of bee inspectors under this act, the county courts are hereby authorized to and shall appropriate the sum of $3.00 per day and necessary expenses for the time that the inspector is actually employed in the performance of his duties out of the revenues of the several counties: *Provided*, That in no case when such inspector receives compensation from the owner of the bees so infected for the care, treatment, or destruction of the same, as in the act provided, shall he be paid by the several counties as in this section specified.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[The exact date of the passage of this bill has not been ascertained. The copy of the law is taken from the American Bee Journal for January 8, 1892.—L. O. H.]

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